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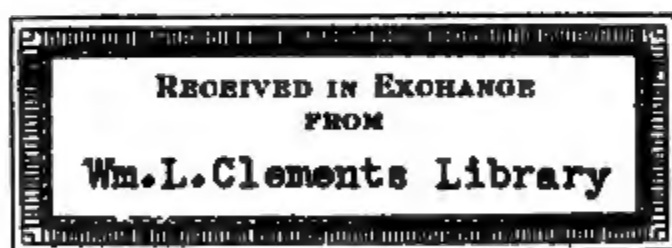
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DURING THE

SIXTH SESSION of the SIXTEENTH PARLIAMENT

O F

G R E A T B R I T A I N.

V O L. XXVI.

L O N D O N :

**Printed for J. DEBRET, opposite BURLINGTON HOUSE,
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THE
HISTORICAL
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS,
In the SIXTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN,
Appointed to be holden at WESTMINSTER
On TUESDAY the 18th of MAY, 1784.

Monday, 20th April, 1789.

THE recess being closed, the House met, and the Comptroller of the Household rising, informed the House, that the Committee appointed to consider of the manner of the House's going to St. Paul's, on Thursday, the 23d instant, had instructed him to acquaint them, that they had been given to understand, that many scaffolds were erected and erecting upon and before several houses in those parts of Westminster through which the procession was to pass; that, in the opinion of the Surveyor for the district, these scaffolds were dangerously insecure, and also, that there was no existing law to prevent persons from continuing to erect such insufficient scaffolding. Mr. Villiers added, that his instructions went no farther than that he should state the fact to the House, and leave it to them to act upon it as they thought proper.

Sir Joseph Mawbey, adverting to the powers given by the Sir Joseph act of Parliament to the Commissioners of the Pavements in Mawbey. London and Westminster, said, that he supposed they had sufficient authority to pull down, and cause to be pulled down, all such insecure scaffolds.

Mr. Rose. *Mr. Rose* admitted, that the paving acts gave the Commissioners such powers, but observed, that they, at the same time, provided, that before the powers of the acts were put in force, the parties should have fourteen days notice, which, in the present case, it was well known to be impossible. He added, that the proper surveyor had been with him on the preceding Saturday, to complain of the scaffolds being dangerously insecure, and that he had sent him to the Chairman of the Quarter Sessions, which was then holding, but the Chairman and the other Magistrates were clearly of opinion, that they had no power, under any existing statute, to interfere and prevent the evil in question.

Mr. Minchin. *Mr. Minchin* observed, that he had not left the Strand many minutes, and he had seen scaffolds erecting on houses that were of themselves so old and out of repair, that if large companies came and filled those scaffolds, in all probability, both houses and scaffolds would come down into the street.

Mr. Rose. *Mr. Rose* understood that the Surveyor, to whom he had alluded, was attending at the door; and he submitted it to the House, whether it would not be proper to call him in, and examine him at the bar?

Mr. Vyner. *Mr. Vyner* desired to know, if it would not be more regular to receive the Report of the Committee first, which probably might give the House such information as could be made the ground of their proceeding, and then examine the Surveyor?

The Speaker. *The Speaker* explained from the chair, that the Committee had no power to report, their whole instruction having been, "to consider of the best way for that House to go to St. Paul's."

Mr. Edward Walters, Surveyor, was then called in and examined.

He stated, that he was a Surveyor for the district of the Strand; that many scaffolds had been erected, several in the houses, some by way of balconies, and one or two projecting into the streets; that he had viewed them, and that, in his opinion, the major part of them were dangerously insecure. He had given notice to those who had erected and were erecting such scaffolds of this circumstance, but no attention had been paid by them to such notices. Having withdrawn,

The Comptroller of the Household moved, "That a Committee be appointed to inquire into the state of the several scaffolds or temporary buildings now making in the Strand, and other avenues to St. Paul's, on the west side of Temple Bar, and report what may be fitting to be done respecting the same."

The following Members were named as a Committee :

The

The Comptroller of the Household, Mr. Hobart, Lord Mornington, Right Hon. C. J. Fox, Lord Westcote, Sir H. Hoghton, Lord John Townshend, Mr. Stanhope, Mr. Addington, Mr. Mainwaring, Mr. Alderman Watson, Mr. Wilkes, and the Gentlemen of the Long Robe.

The House adjourned.

Tuesday, 21st April.

Mr. Stanley moved, "That the order of the day, which stood for the morrow, for the commitment of the bill for repealing the act relative to the registering of freeholders, might be discharged," which was agreed to, and a new order made for committing the bill on Thursday se'nnight.

The *Speaker* acquainted the House that the Surveyor of the Board of Works had informed him, that, in obedience to the orders of the House, he had provided the requisite accommodations for the Members in St. Paul's Cathedral. The Speaker.

Mr. Comptroller of the Household brought up the report from the Committee appointed to inquire into the state of the scaffolds, and other temporary erections in the streets, leading to St. Paul's. The report stated, that the Committee had examined Sir William Chambers, and several Surveyors, who agreed in opinion, that, from the slightness of their construction in general, and particularly of those scaffolds adjoining to Exeter 'Change, they were dangerous not only to those who occupied them, but to persons in the street.—That, notwithstanding printed notices had been distributed, warning the inhabitants of their danger, yet, but two or three had availed themselves of those notices. The Committee, therefore, submitted to the wisdom of the House to take such steps as the urgency of the occasion demanded.

The report was, upon motion, ordered to be printed.

Mr. Pitt trusted that the printing of the report would be sufficient to prevent the necessity of adopting any farther measure. The time, he observed, would scarcely admit of passing a law for the purpose; but, as the safety of many of His Majesty's subjects might be endangered, he suggested the propriety of appointing the Surveyor of the Board of Works to examine the scaffolds and other erections, and such as could, at a small expence, be rendered sufficiently strong, might be secured at the public expence. If, on the contrary, there were some which could not be made secure, they ought to be pulled down, and as the original expence would prove but trifling to the public, it ought to be paid. He recommended to the magistrates to be active in preventing danger, and though they might not be strictly within the letter of the law, they would, no doubt, be indemnified for any ac-

tions which might be brought against them in the execution of their duty on such an occasion.

Ald. Newnham Mr. Alderman *Newnham* observed, that as the Magistrates of the city of London had the power of preventing the erection of scaffolds, he thought it highly necessary that the same power should be extended to Westminster.

Mr. Mainwaring and Mr. Rolle spoke in approbation of the proposal of the Chancellor of the Exchequer, which met the general concurrence of the House.

Mr. Pitt. Mr. Chancellor *Pitt* begged leave to acquaint the House, that he had received information of a scarcity of corn in the province of Quebec, which rendered it necessary to bring in a bill, empowering His Majesty in Council, for a limited time, to authorize the importation of corn, bread, flour, &c. from America. Such a bill had been passed for the accommodation of the island of Newfoundland; and the good effects of it were universally acknowledged. He then moved for leave to bring in the bill, which passed in the affirmative.

Mr. Pitt moved, “ That the papers which he had presented previously to the last adjournment, respecting the proceedings of the Privy Council relative to a destructive insect which had lately infested the grain in certain provinces of America, might be printed, for the purpose of giving gentlemen an opportunity of considering whether any farther measures were necessary for the safety of the agriculture of this country.”

Ordered.

The House adjourned.

Wednesday, 22d April.

The Quebec corn bill was presented, read a first time, afterwards a second time, and committed for Saturday next.

The Speaker having taken the chair,

Maj. Scott Major *Scott* rose, and observed, that he had a petition to present to the House from Mr. Hastings; that when he came down with it, he had not the least knowledge of the indisposition of the right honourable Manager, to whose conduct the petitioner had so pointedly and particularly alluded; and therefore he should move to have the petition lie on the table, for the purpose of being taken into consideration upon some future day, when the right honourable Manager (Mr. Burke) might be able to appear in his place.

The Speaker, having alluded to the necessity of explaining the prayer of the petition,

Major Scott answered, that as it was not very long, he would, with the permission of the House, read the petition. It stated, that Mr. Hastings had been impeached, and certain articles given in against him, to which he had replied, and

was

was now in the second year of the trial; that the Managers had pledged themselves not to utter a word which they would not prove, and had repeatedly affirmed, that they spoke as they were instructed by the House of Commons; that various allegations were contained in the speech of Mr. Burke, totally foreign to any one article of charge; that in particular, the petitioner was accused of being an accomplice in a plot to assassinate the Rhazada; of being an accomplice in the death of Meeran Adish, son of Meer Jaffer, and in various acts of oppression and savage cruelty, said to have been practised by Dely Sons; that on Tuesday Mr. Burke had accused him of having murdered Nundcomar, by the hands of Sir Elijah Impey; that these charges were utterly false and unfounded; and he confided in the justice of the House, to frame them into specific articles, so that he might be enabled to refute them in the same public manner in which they had been made.

Lord *Maitland* observed, that as it was a direct charge upon the Committee of Managers, and in particular upon one Member of it, who was not present, he did not see how it could be proceeded upon, as the House had found no fault with the Committee. Lord Maitland.

The *Speaker* thought it his duty to state, that the petition could not, with propriety, be investigated, until Mr. Burke should be present. The Speaker.

Major *Scott* declared, that all he meant now was, merely to lay it upon the table, and when Mr. Burke attended, move to take it into consideration, either on Friday or Monday. Maj. Scott

Mr. Chancellor *Pitt* said, in reply to Mr. Wyndham and Sir Gilbert Elliot, who had opposed the petition being brought up, that as the right honourable Manager, whom it chiefly concerned, was not present, the honourable Member (Major Scott) had better give notice, that he would move for leave to present it on a future day, and Monday next was accordingly appointed for that purpose. Mr. Pitt.

The following Papers were presented, and ordered to be laid on the table.

A State of the General Account of the Customs, new and additional Impositions, from the Comptroller General of His Majesty's Customs in Scotland, for the year, ending the 5th of January 1789.

GROSS PRODUCE.

			£.	s.	d.
Money	-	-	250,839	11	8
Bonds	-	-	630,701	19	6½

CHARGES

CHARGES OF MANAGEMENT.

	£.	s.	d.
Salaries - - -	29,917	2	2
Incidents - - -	27,093	5	1½

BOUNTIES.

Money - - -	63,035	9	6½
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DRAWBACKS.

Money - - -	60,591	13	2½
Bonds - - -	599,293	16	6½

TOTAL.

Money - - -	171,637	13	0½
Bonds - - -	599,293	16	6½

NEAT PRODUCE.

Money - - -	79,201	18	7½
Bonds - - -	31,415	3	0

The above account is made up from the Collector's account current, and Receiver General's books. The receipts and payments of the Port Schetland (a distant port) for the quarters ended 10th of October, 1788, and 5th of January, 1789, are not included therein; the accounts current of that port, for those periods, not yet having come to hand.

N. B. The neat produce of the duties of customs in Scotland is, by law, subject to the keeping up of the Courts of Session, Justiciary, and Exchequer, and defraying other charges of the civil establishment there; as also to the payment of two annuities, one of ten thousand pounds, being the equivalent claimed in behalf of Scotland, by virtue of the treaty of Union; and the other of two thousand pounds, for encouraging fisheries and manufactures in Scotland: and there have been paid, within the period of this account, out of the above neat produce, the following sums, pursuant to warrants of the right honourable Barons of Exchequer, viz.

For payment of the Courts of Session, Justiciary, and Exchequer - - -	£.	s.	d.
	26,000	0	0
For payment of the Commissioner of the General Assembly - - -	1,500	0	0
And there has been remitted (in the period above-mentioned) to the Receiver General of the Customs in London, the sum of -	40,000	0	0

NORTH BRITAIN.

An Account of the neat produce of Fines and Forfeitures, and what part thereof was paid into the receipt of His Majesty's Exchequer, for the year, ended 5th of July, 1788.

	£.	s.	d.
Neat produce - - -	5,366	9	7

An Account of the neat produce of all the Taxes under the head of Excise, in Scotland, to the latest period to which the same can be made up, viz. from the 5th of July 1787, to the 5th of July 1788.

Duties.				Neat Produce.			
				£.	s.	d.	
Auctions	-	-	-	3,348	6	7½	
Beer and Ale	-	-	-	13,530	3	0	
Bricks and Tiles	-	-	-	2,975	0	2½	
Candles	-	-	-	12,844	17	0½	
Coaches	-	-	-	111	0	0	
Coffee and Cocoa	-	-	-	86	9	3½	
Glass	-	-	-	6,685	12	8	
Hides and Skins	-	-	-	12,851	16	2½	
Paper	-	-	-	3,938	8	7½	
Printed goods	-	-	-	36,421	3	6½	
Sops	-	-	-	58,945	10	11½	
Starch	-	-	-	7,233	2	0½	
Spirits	Foreign	-	-	42,603	11	10½	
	British	-	-	38,160	8	0½	
	Highland	-	-	12,354	6	0½	
Wines	-	-	-	26,839	19	5½	
Plate Licences	-	-	-	225	6	0	
Spirit Licences	-	-	-	4,793	1	9½	
Tea Licences	-	-	-	615	15	9½	
General Licences	-	-	-	2,810	10	6½	
Fines and Forfeitures	-	-	-	5,366	9	7	
Total Excise				293,187	19	3½	
Malt	Annual, 1788	-	-	14,705	3	0	
	Consolidated	-	-	30,142	12	6½	
Total Malt				44,847	15	6½	
Grand Total				338,035	14	10½	

The House adjourned.

Monday,

Monday, 27th April.

Sir William Dolben presented a petition from the iron manufacturers of Sheffield, who prayed that they might not be considered as standing in the way of the abolition of the slave trade.

It was read, and ordered to lie on the table.

Maj. Scott Major *Scott* now rose, and said, I have in my hand, Mr. Speaker, a petition from Warren Hastings, Esq. late Governor General of Bengal, complaining of the conduct of a Member of this House, and stating, that on opening the impeachment which this House had carried up to the Lords, an honourable Manager had stated a variety of matter, wholly extraneous from the articles, containing allegations infinitely more criminal; and that the extraneous matter alluded to, was wholly false and unfounded.

The prayer of the petition is, that Mr. Hastings may be allowed to defend himself against such allegations, or that he may receive such other redress as this House, in its justice and wisdom, may think due to him.

I assure you, Mr. Speaker, that my respect for this House would prevent me from presenting a petition of this nature, were I not fully convinced, that the extraneous matter alluded to in the petition, was wholly false and unfounded, and were I not prepared to prove it to the satisfaction of the House.

Gentlemen will recollect, that the proceedings which led to the impeachment, commenced in February 1786. In that session the Benares charge was voted, much difference of opinion prevailing as to the degree and point of criminality in it. In the next session, many other charges were voted, and a Committee appointed to draw up articles. It is a fact, which a reference to the journals will prove, that thirteen of these articles were voted without the House having seen them. I was the only Member, the Manager who presented them excepted, who had seen them. I mention this circumstance now, merely to shew the unbounded confidence which the House reposed in their Committee: the House then conferred upon them the power to send for persons, papers, and records, that they might be prepared with such evidence as might elucidate truth; and not by garbling particular passages, to raise a temporary impression against the defendant.

The impeachment was opened last year by the honourable Manager, Mr. Burke. In the course of his opening, he introduced a story, known by the name of the History of the three Seals, and Meeran's death. In what I am going to say, Mr. Speaker, I wish to preserve the respect which is due

to the House from me, but I affirm, in the most solemn manner, that in so far as the Manager implicated Mr. Hastings in those stories, he was guilty of cool, deliberate, systematic, and intentional misrepresentation.

The next story mentioned in the petition, was that of Deby Sing. This the honourable Manager told to a very full auditory; and many, very many of the Members now present, who were in Westminster Hall at the time, must recollect the dreadful effects which were produced by so horrid a detail of cruelties. I have taken much pains, Mr. Speaker, to make myself completely master of that business. In the first place, I called upon the clerk at the India House, who attends the honourable Manager, to put into my hands a faithful copy of those documents with which the Manager was supplied when he spoke. I then procured from Mr. David Anderson an account of the evidence which he had given to the Manager himself on this subject; and after a most attentive perusal of the whole, I am warranted in affirming, that if the cruelties charged upon Deby Sing had been true, the honourable Manager knew it would be impossible for the malice or ingenuity of man to bring them home to Mr. Hastings: but what is again extraordinary, is this, that it appears incontestibly, by later advices from Bengal, that the dreadful cruelties, stated by the Manager, never were committed at all. This appears after a most solemn investigation, made by three gentlemen upon oath, during the government of Sir John Macpherson, in whose appointment or report Mr. Hastings could have no sort of concern. Sir, I was struck so forcibly by those facts, that last year I wrote a letter to another right honourable Manager, whom I believe, in my conscience, had no participation or concern in so gross a misrepresentation. In that letter, I detailed all the circumstances very fully; but I was told, that pending the trial, it would be improper to publish it. After presenting this petition, it would be improper to withhold it, and it shall appear immediately. I know how far I commit myself: I cannot presume to say, that if I have been wrong, it is not for want of pains to be right. No man living ought to say what I have done, if a doubt remains upon the subject. I have well considered it, and from the Manager's own materials I establish the truth of my assertions; if I do not, I ought to walk out of that door, and never be permitted to enter at it again. I wished the Manager himself to call for the letter, as I had so freely spoken of him, but he would not do it. Perhaps it may be urged, that these facts should have been complained of earlier. The Counsel of Mr. Hastings had once endeavoured to do it, but were interrupted by the right honourable Manager, Mr. Fox.

The Managers have repeatedly declared, that they spoke by instructions from the House, and that they never would advance a syllable, which they were not ready and willing to prove, if they should be called upon so to do; as, therefore, the extraneous matter which the opening contained, represents Mr. Hastings in a point of view infinitely more criminal than any allegation in the articles which the House have voted, I appeal to the justice and honour of the House, either to bring forward this matter in specific articles, or to afford some other redress. The House must know the light in which this matter appeared elsewhere; that it has been the subject of conversation throughout Europe; that it was believed to be true, and could be brought home to Mr. Hastings; when it now turns out to be false in fact: but had it been true, it never could have affected the petitioner in the smallest degree. The next complaint is in the case of Nundcomar. The words are fresh in the recollection of every gentleman. I shall not detain the House further; but merely move, that the petition may be brought up.

When, in the course of his speech, Major Scott alluded to a debate which had taken place in the House of Lords, he was called to order; and it was upon this occasion, that

Mr. Fox. Mr. *Fox* remarked, that the House well knew it was disorderly to allude to what had passed in other places; but he begged to maintain, that if there was one word which the honourable gentleman had uttered which was in order, an allusion to what had passed in the House of Lords was equally in order, and therefore, as the honourable gentleman had been permitted to say so much out of order, he ought to be suffered to say the rest; and he submitted it to the House, if it was not equally in order to allude to what passed in the House of Lords, as to refer to what had passed in another place.

The Speaker. The *Speaker* answered, that he had always heard that it was disorderly to allude to what passed in the House of Lords, but he did not know, whether alluding to trials at the bar of the other House, where the Commons were the accusers, was disorderly.

Mr. Fox. Mr. *Fox* desired to resort to practice for proof, and therefore he called upon the Speaker, from his great experience, to state where the precedent was to be found of a Member's having been permitted to allude to what passed in any other assembly.

Mr. Pitt. Mr. Chancellor *Pitt* begged leave to observe, that as the Speaker had interposed from the chair, to stop what he thought disorderly, he, doubtless, would have pursued the same conduct, if the honourable gentleman behind him had appeared disorderly. What had fallen from the right honourable

honourable gentleman over the way, rendered it unquestionably clear that any gentleman might rise to speak to a point, notwithstanding that he might know that it did not fall precisely within the orders of the House.

Major Scott said, that as there was a place proper for that Maj. Scott House in Westminster Hall, where the Members attended and heard what passed, he did not think himself disorderly in stating what passed there.

The Speaker having stated the question,

Mr. Fox having risen, declared that it was not his design Mr. Fox. either to resist the motion of the honourable Member for bringing up the petition, or to enter into an extensive field, for the purpose of scrupulously investigating its contents. The predicament in which he stood, rendered it necessary that he should be cautious of incurring the charge of partiality. He wished, therefore, the propriety of the measure to be considered by those who were not Managers of the prosecution, and who, upon this account, might be regarded as less interested in its contents and in its object, and consequently more impartial. He rose to state the bad tendency of it, not to that House in the present instance merely, but to future prosecutions of that House for ever and for ever. There were three distinct points to be considered in respect to the present petition: first, the subject matter of the complaint; secondly, who it was that the complaint was made to; and thirdly, who the person was that made the complaint? The subject matter of the complaint consisted of certain words and expressions said to have been used, and directly charged with having been falsely used by Members of that House, at the bar of the House of Lords. He could not imagine that it would be admitted that the House attended in Westminster Hall, not for the purpose of appearing as prosecutors, countenancing and supporting the Managers employed by their authority to urge the charges, and adduce proof in support of them, against the person impeached, not for that of taking care that justice was done them, but for the purpose of cavilling as an adverse party at the conduct of their own Managers. With regard to the second point, to whom was the complaint made? It came not where all complaints of unjust treatment of a defendant ought to be made, to the Tribunal that tried him, to the Judges, and to the Court that was to decide, and which alone was competent to relieve the party in a case of real injustice, but it came to the accusers, to the prosecutors themselves, who had no power to afford redress, if necessary, and whose duty it was to pursue the culprit, and prosecute him to punishment. As to the third point, who was it that preferred the complaint? Mr. Fox said, he should have been mortified, indeed, if his conduct, and that of any other

other of the Managers, had been found fault with by the right honourable gentleman over against him, or those who had professed themselves to be warm friends to the prosecution. But, who was here the complainant? Not a Member of the House of Commons, not a Member of the House of Lords, no person of either description, but the culprit himself, who came forward to object to the mode of proceeding against him. Should such a complaint be listened to? and should the party accused be suffered to arraign the conduct of his accusers, addressing his charge to them? It would prove a deviation from every known and established rule; it would introduce a new system of proceeding; because it was altogether unprecedented for those who were the accusers, to hear the culprit in the manner of an accuser of themselves, complaining of the mode of prosecution which they had thought proper to adopt, as likely to answer the ends of justice in the most effectual manner. Mr. Fox proceeded to call in question the motive and the mode in which the honourable gentleman who had introduced the petition had opened it to the House. He denied that the words quoted by the honourable gentleman, as having passed between the counsel for Mr. Hastings and himself, at the bar of the House of Lords, were correctly stated; and he added, that it generally happened, that when that honourable gentleman undertook to refer to facts, he seldom was very correct. Whenever the Managers had done what the Counsel for Mr. Hastings had thought improper, he asked whether those learned gentlemen had not appealed to the House of Lords, and had not the House of Lords always afforded them redress, if they were founded in their appeal? They had done so in various instances. With regard to what had passed between one of the learned Counsel and himself, he had not objected to the substance of the learned Counsel's argument, but to the manner of it. The learned Counsel's objection appeared to him to be sufficiently proper, but his mode was that, which, as a Manager of the prosecution, on behalf of the Commons of England, he had conceived that he ought not to submit to; and the House of Lords had proved that he was right in so thinking, by informing the Counsel that they must not speak of the Managers for the House of Commons in such a way. [Major Scott shook his head.] Mr. Fox said, the fact was as he stated it, let the honourable gentleman shake his head as much as he pleased. The honourable gentleman, he observed, had pledged himself for the truth of what he had asserted; let him pledge himself as much as he pleased; he by that altered no one fact in the smallest degree. Had not the honourable gentleman pledged himself to the House again and again, and had not every one of the occasions proved, in the event,

event, how little his pledge was to be relied on? Did he not say, in an early part of the present business, "Produce the articles before the House, and I'll pledge myself to prove every one of them false, so that the House will necessarily reject them altogether?" Had not the event turned out the very reverse? Had not the House voted them to be articles containing matter of criminal charge, and had not the House proceeded to an impeachment? But, such was the honourable gentleman's eagerness to pledge himself, that he pledged himself for what he had not the smallest chance of proving. Had he not that day pledged himself to an universal negative? Had he not taken upon himself to prove the rash and extravagant assertion, that no one Member of that House had read thirteen of the charges but himself? Mr. Fox said, he begged pardon of the House for having suffered himself to be betrayed into so much warmth, but it was a warmth excited by an attempt, which he trusted would be abortive, to fix a personal insult on his right honourable friend, and to cast an imputation on his character. By the coarseness of the manner in which the attempt had been made, he was persuaded that this, and this only, was the object. If it had not been a mere pretext, why not take the usual means of obtaining redress, if an injury were really conceived to have been done by either his right honourable friend, himself, or any other Member? Did not every Member of that House know, that not only in the House of Lords, but in the most inferior court in the kingdom, if there was any thing wrong in the conduct of a cause, the Counsel for the prisoner might object against it, and the Court, if the appeal appeared founded, would grant immediate relief? With regard to words spoken elsewhere, was it not acknowledged, that no notice could be taken of words spoken in a former debate, nor even in the same debate, because no reliance can be placed on the correctness of the words complained of, unless taken down on the moment of delivery? Much less could notice be taken of words spoken in another place, the identity of which it is difficult to ascertain, and the drift of which it is impossible to fix, because it cannot be proved that the words spoken were correctly the words which were complained of. So much for the subject matter of the complaint. And who is the complainant, and to whom does he complain? Not to the Court itself, not to the House of Lords, but to that House, and the complaint, as had been before stated, came from the culprit. That House did not order the prosecution to please the culprit. Heaven forbid that it should! Nor did he carry on the prosecution for the satisfaction of Mr. Hastings, but to punish Mr. Hastings for his bribery and misdemeanors in India, as an example to future Governors General of Bengal.

In the petition, Mr. Hastings, to carry the absurdity farther, not only alluded to words spoken in another place, but at another time; to words spoken twelve months ago, to words heard in the House of Lords without objection, words delivered before the criminal himself, without being noticed by his Counsel at the time. Mr. Fox maintained that Major Scott had by no means correctly stated what had been the expressions of his right honourable friend; his right honourable friend had not said a word to insinuate that Mr. Hastings was an accomplice in the murder of Meeran, eldest son of Jaffer Ally Cawn. He would not believe that the honourable gentleman had so ordinary a mind, as to conceive what he had represented to the House to be the conduct of his right honourable friend. "Heaven forbid," said Mr. Fox, "that I should be in a situation to be accused; but were this to prove the case, it must become my interest to wish for one of the same mind with the right honourable gentleman to be my accuser." He added, that the honourable gentleman had ventured to declare that there was not one word in the petition which he could not prove; and desired the House to frame articles upon the charges to which the petition alluded. He protested that he was at a loss to conceive how the House could listen to such a proposition, and that he thought it unbecoming a Member of Parliament, to make that House the instrument of his personal resentment and malice against his right honourable friend; for such, in his idea, was the great object of the present attempt to affront him. The honourable gentleman, Mr. Fox added, had said, that his right honourable friend had misrepresented the allegations in question, knowing it to be a misrepresentation. If it were so, and his right honourable friend misrepresented the allegations wittingly, it undoubtedly would be the duty of the House to exclude his right honourable friend from any share in conducting the prosecution; but the fact was notoriously otherwise. The honourable gentleman had said, they had stat'd themselves to be instructed to speak in the manner they had done by the House of Commons; undoubtedly, they had so stated themselves, because they felt themselves to be so instructed, but they all knew, that when they stated themselves to be instructed by the House, they meant generally, and did not confine themselves to words or expressions. With regard to the charges complained of, he should ever state them as his right honourable friend had done, both in public and in private, because he believed them, and should state them by such terms as they appeared unto him. He desired the House to consider the difficulties the Managers had to encounter. They had to contend with a most powerful criminal; a man who, for fourteen

teen years possessed all the patronage of India, and who had been enabled for a long period to confer so many obligations, that his connections at home were almost irresistible. They had likewise to contest with all the corruption of the East, and all the powers of the Bar. They had to combat with other obstacles; and what had they to support them? The support of their honour and their consciences; and he trusted they would be supported by the House of Commons. He reminded the House of the effect of individual Members coming down there, from time to time, to complain of words uttered in another place a year ago, and said, if the person accused were to be in perpetual litigation with them before that House, it would be almost impossible to go on with the prosecution at all. They were, he believed, the first persons who being known not to possess the favour and support of the House of Commons on political questions, had ventured to undertake an impeachment; but was that a reason for deserting them? He trusted it was not. As long as the Ministers for the time had been the Managers of impeachments, it had generally happened that the House of Commons had been blamed for their intemperance; but, never was there upon their journals so clear a proof of an impeachment, managed by men, who could have no view but a desire to do justice. There never was upon their journals an instance so honourable to that House and to the country. He trusted, therefore, that the House of Commons would not throw difficulties in their way, but act in an open, manly, and direct mode. If they imagined that they had been betrayed, and ought not to be accusers, let them confess their error, retract, and make honourable amendment to Mr. Hastings; but do not let them act a double character, do not let them at the same time be the accusers and the defenders! The honourable gentleman had said, there had been unwarrantable delays: that there had been extraordinary delays was true; but then it was to be considered, that they had, during the present session at least, been occasioned by a cause sufficiently extraordinary to account for them. When the honourable gentleman states, that his right honourable friend had alledged what he knew not to be true, he was convinced that the whole drift of this business was to bring on a personal quarrel with his right honourable friend; and this, from a conception that he cannot avoid bearing a just indignation against insult; but he begged leave to recommend to his right honourable friend to disregard any thing done with such a view. For his part, he declared, that neither the honourable gentleman or his friends should, by any thing short of a personal attack, in the literal sense of the words, make him, or any of his friends, he hoped, produce a personal quarrel out of a public

public proceeding. He should consider every complaint that came from the honourable gentleman or the culprit as a personal compliment, and when he said this, he declared he did not speak of the honourable gentleman in respect of his character, but because he considered him as the agent of the accused. With regard to the motion, he was indifferent what became of it, and hoped its object was defeated: he could not, however, sit down, without conjuring gentlemen, for the honour of the House, and for the sake of justice, to consider the glaring impropriety of making the conduct of the Managers, in the discharge of a public trust, a matter of personal attack.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that he felt himself happy in declaring, that no man in that House concurred with the right honourable gentleman more cordially than he did in the sentiments expressed in the latter end of his speech. Nothing could be more improper, than to make the conduct of persons employed in the discharge of an important public trust, a matter of personal attack. The Managers could not possibly find it a duty more incumbent on them to look to that trust steadily and zealously, than it was the duty of those who invested them with that important trust, to give them every honourable support. The single question before the House then was, whether the petition should be brought up? and therefore it would be premature to discuss, at that moment, what should be done with the petition afterwards. He could not, he declared, collect from any thing the right honourable gentleman had said, that he meant to object to bringing up the petition; he hoped he had no such intention, because he saw not on what grounds the person accused should be debarred from the exercise of that right common to every individual subject, the right of preferring a petition, stating a grievance to that House for its consideration and disposal. He agreed entirely with the right honourable gentleman's observations on that part of the petition which referred to words spoken in Westminster Hall, in the course of the last session; he could not conjecture why, if Mr. Hastings thought the utterance of those words an injury, he should forbear to complain of them for so many months. They were words which, if fit to be stated as a grievance and a departure from the instructions by the House to their Managers, ought to have been complained of the very next day that the House met after they were spoken, or not at all. The right honourable gentleman, however, had represented it as an undeniable principle, that any words, however injurious to the party of whom they are spoken, cannot be properly made matter of complaint at all. He declared he did not think that this was a position which any man could main-

maintain. He was far from being of opinion, that when that House had given the Managers certain powers necessary to enable them to conduct the prosecution of an impeachment with effect, they had, at the same time, given them unlimited powers to introduce what additional charges they thought proper; neither could he admit, if the Managers exceeded the due bounds of their authority, that the House of Lords could always redress the grievance and cure the injury. There were cases in which an injury might be done to a person upon trial, in such a way that their situation might render it impossible for them to redress it. What did an injured man desire, but satisfaction for an injury done him? Could the House of Lords always give it him? Suppose, in a sentence consisting of a line and a half, and uttered in a few seconds, words were said that charged a man with murder. Could the House of Lords redress it, after the words were uttered and the injury done? There must, therefore, be cases in which the House of Commons might inquire into the conduct of their Managers. Let not the House establish the only principle that could lessen its credit. Let it not stop its ears to a complaint, which stated that Mr. Hastings had been specifically charged with the murder of Nundcomar. The House of Commons did not mean, because they accused Mr. Hastings of one thing, that he was to be accused of another; they never intended, that because he was accused by them of taking bribes, that he was to be accused of having committed murder. There was certainly a broad distinction between the allegations of the petition that referred to what had passed last session, and the allegation that had reference to a specific charge of having been guilty of the murder of Nundcomar. Neither the subject of the complaint was unjust, nor was the time of making it objectionable. Had any strong words, in which a charge had been made, proved the only ground of complaint, be granted, it would have been trivial; but the fact was otherwise; the charge was that of a most atrocious crime; it was recently made, and the very next day that the House met, Mr. Hastings petitioned; he, therefore, had seized the earliest opportunity of preferring his complaint, and the petition would probably then have been received, had not the right honourable gentleman been absent through indisposition. He agreed with the right honourable gentleman, (Mr. Fox) that the House's refusing to prefer an impeachment against a man, was neither an acquittal nor a proof of his innocence of the fact laid to his charge; but, when it was considered, that this murder of which he had collaterally accused Mr. Hastings as an accomplice, was the same as that touching which the House refused to charge Sir Elijah Impey as a principal, it

was surely matter of no slight presumption, that the House would not have been willing to have voted it as an article of impeachment against Mr. Hastings, that he was an abettor in that fact, with respect to which they did not think proper to impeach Sir Elijah Impey, who had been stated to be the principal. The object of their accusation would never cease to be the object of their justice; Mr. Hastings, or any other person accused by them, was entitled to protection, and they would neither do justice to the party accused, to the Managers, nor themselves, should they throw out the petition, and thus stifle all inquiries into the validity of the complaint.

Mr. Burke Mr. *Burke* rising next, observed, that to intreat the candid indulgence of the House was, at that particular moment, whatever it might prove upon other occasions, the most distant from his thoughts; because candid indulgence was only to be bestowed where there was error, which he was conscious he had not committed. He desired not to be excused on account of his good intentions, being perfectly satisfied with his own conduct, and was at a time of life to look for an approbation beyond that of the day—the approbation of a generous posterity. The satisfaction, however, of his own mind, was no reason why others should be satisfied with his conduct; and, as he held it to be a duty which every man owed to a great body to which he belonged, to give a statement of his conduct, he would offer the House an explanation. It never could have been a matter of less difficulty to him to comply with his right honourable friend's request, and abstain from heat, than it was at present; he felt not the smallest inclination to depart from the bounds of moderation and temper; the prosecution had never been carried on by any heat of his, for enthusiasm, though it might be good at the beginning of a business, vanished like a vapour as the business proceeded, and was soon gone. If after the explanation he was about to give in the plainest phrase, the House should chuse to continue him in his trust as a Manager, he would persist in the discharge of it, to the best of his abilities; but if, on the other hand, they thought it right to censure and remove him, he would receive it as a personal favour to himself, since it would be to remove him from an arduous undertaking, far above his natural strength, which nothing but their support could have enabled him to sustain, and which had nearly exhausted him, and therefore his removal would restore him to a state of ease and tranquillity. The censure of the House of Commons, great and awful as it must now be deemed, could not have any deep effect on his mind; if, therefore, it should be passed upon him, he must feel for the honour of the House, rather than for his own.

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They had appointed him to go up to the bar of the House of Lords with the articles of impeachment; he was sensible of the honour, and had ever since assiduously endeavoured faithfully to discharge the duties of the high trust reposed in him; he had now proceeded to the most important charge, perhaps, in the whole catalogue, that of bribery and corruption; and, in the middle of his speech on that charge, when the prisoner felt himself pinched, and that he was in danger of being immediately overwhelmed, with a policy peculiar to himself, he had resorted to his old arts; arts practised by him with so much success in India, and shifted his character. "Thus," said Mr Burke, "did I find myself called upon on a sudden to defend myself, to take my turn as a person accused, and, in this age of dancing, to turn about, right hand and left, cross over, figure in, and change places. To-day an accuser, to-morrow a person accused." He declared that he gave Mr. Hastings full credit for his prudence. He admitted that it was the best step he could possibly take in his present circumstances, at a time when all the powers of darkness must have been invoked in vain, to descend from the humiliating ground of the accused into the elevated station of the accuser. He seriously lamented the ridicule that must be on the House, if such an attempt should be countenanced making him stand his trial one day in the Commons, and the morrow, proceed to Westminster Hall, as a Manager and accuser of Warren Hastings on his trial. He was, he said, young and supple enough for this dancing to the right and to the left; he could not bear it; and he intreated the House to unyoke him. He produced the Morning Herald of the last year, which contained the account of the bill proposed to have been made out for the publication of articles sent by Major Scott, and ridiculed the total and several of the items; observing, that the honourable gentleman over the way, who had declared his authorship, had never been able to make him take notice of his productions, because that would have been to have quitted the great game which he was pursuing, and to have followed vermin. Whether it was from want of taste, or want of curiosity, that he did not read the honourable gentleman's writings, he could not tell; but the fact was, that he had not looked into them. He read an extract of the account, which he held in his hand, one of the charges of which was "Attacking Mr. Burke's veracity, 5s. 6d," laughing at the idea of his veracity being rated no higher. The shillings total being 7s. 6d. he ridiculed Major Scott's publications as a seven and sixpenny matter, and said it had formerly been the custom for all good authors to receive reward for their literary labours, and he well knew Professor Robertson and Mr. Hume had large sums for their

histories, but Mr. Hastings's writers paid largely to have their writings published. It had been his practice to let them go on and to despise their noise, from the chattering of a Jackoo to the roar of a lion. Mr. Burke then took notice of the defence of Mr. Hastings, delivered in by that gentleman, and afterwarde declared to have been written by commission, by Major Scott and Mr. Baker, who drew it up without Mr. Hastings's knowing any thing of it. Mr. Hastings had since disowned and forsworn it. Mr. Burke commented on its contents, and the different turns given to the transactions mentioned in it, since in Westminster Hall. He next proceeded to the explanation which he had promised. He admitted, that he had charged Sir Elijah Impey with the murder of Nundcomar through the instigation of Warren Hastings, and justified it, as being led to it, in stating one of the acts of bribery with the Munny Begum, which bribe passed through the hands of Nundcomar, who was murdered by the deliberate arm of the law. If the House censured a Manager, they ought not to hear him a single word more, but they were bound, at the same time, to remove him, when they censured him. He compared the powers given by the Commons to the Managers to proceed against Mr. Hastings with the charges without a right to use one extraneous word, to the giving Shylock the power of taking a pound of flesh, upon condition of his not spilling one drop of blood; a task which neither Jew nor Christian could perform. He entered into an account of the proceedings before the Lords. to shew the necessity he was under, in order to make the business intelligible to them, to narrate the whole history of the country from the Mogul empire, in doing which, he said, he had to state the revolution which happened, the persons concerned therein, the mock trials, and collusive acquittals, which could not fail of representing the whole tissue of Mr. Hastings's conduct to be a tissue of crimes. He declared that he had brought in the murder of Nundcomar, for the purpose of repelling evidence against the charge: in narrating the resolutions, he could not proceed without narrating the crimes, nor the crimes without the names of the persons guilty of them, which he did without malice.

Mr.
Wynd-
ham.

Mr. *Wyndham* said that, in his opinion, the petition ought not to be received in the first instance, because it was not grounded on such facts as could authorize the House to give any redress. For, what was the nature of the petition? It was not a complaint from any Member of that House, from whom the honourable Managers derived their authority, but a petition from the culprit at the bar of the House of Lords, complaining of words being spoken which were extraneous to the question at issue. Perhaps it was impossible for any

man in the situation of his right honourable friend, in the course of a speech which embraced such a vast variety of matter, to avoid introducing discussions, that did not immediately relate to the charge, but which were collaterally connected with it. In proving a murder, for instance, it might sometimes happen that other crimes might be perpetrated by the person accused, which it was necessary to mention, that the chain of evidence which was to lead to conviction might be complete. With respect to the case of Mr. Hastings, he was clearly of opinion that the tribunal before whom he was tried was the only tribunal competent to interpose; and he had no hesitation in saying that it was highly disrespectful to that honourable Court, to suppose that they could suffer words to be spoken which were improper, and which were deemed a subject of cognizance by the House of Commons, and a ground of censure. For these reasons, he was decidedly against giving the smallest countenance to the petition, which, in his sincere opinion, seemed calculated not only to hurt the prosecution, but was extremely dangerous as a precedent.

Mr. Fox expressed his wishes, that if the petition should be agreed to be brought up, gentlemen would decide in what manner they meant to identify the words. If the Managers were to be called upon to explain the drift of every speech which they might make, it would not only prove a new but a trifling task. If the Managers had done wrong, let the House employ others.

Colonel Phipps laid down the distinction between defamation and accusation. The former he defined to be throwing out charges of a criminal nature, with an intention not to support them, but to leave them on the minds of the jury and the public, in a state in which the defendant could not reply to them; whereas accusation was a regular specific charge, to be proved by evidence, and capable of defence on the part of the person accused. He denied the doctrine that if a man was charged with a murder, he might be accused on his trial of felonies of lesser enormities. He asked, whether in charging a defendant with a misdemeanor, any gentleman, with the smallest regard to justice, could maintain that it was fair to charge such a defendant with murder?

Sir James Johnstone declared himself one of those who thought that Mr. Hastings deserved punishment, and said that he was sorry to see he had it not. Sir James thought the House of Lords competent to protect the prisoner from any unfair proceeding on the part of his prosecutors, and said, though all the Lords were not wise enough to know when the Managers went too far, the Lord Chancellor was placed there for the purpose, and was adequate to his situation. Therefore, although he did not usually vote with the gentlemen

men on the other side, he thought the petition ought not to be entertained.

General Burgoyne General *Burgoyne* took notice of Major Scott's charge against Mr. Burke, of his systematic misrepresentation, and Colonel Phipps's distinction between defamation and accusation. The General defended the accuracy of the Reports of the Committee, of which he had been Chairman, when the story of the three Seals was investigated, and the conduct of General Caillaud enquired into. He extolled Mr. Burke's benevolence and philanthropy, and declared he verily believed the present attempt arose only from personal motives of insult and affront intended to be cast on his right honourable friend. He reprobated the attacks made upon Mr. Burke from holes and corners, and from papers bought by the inch. He said, that he who had hunted a lion into the toils, was not to be diverted from his purpose by the buzzing of gnats.

Sir Rich. Sutton. Sir *Richard Sutton* would not admit the facts stated in the Report to have been facts proved. He approved of the petition; the House of Commons giving the authority to prosecute, being the properest persons to apply to if their authority was exceeded.

Mr. Fox. Mr. *Fox* rose again, and acknowledged that the Report of the Committee was not to be considered as complete proof, but the House had adopted it so far as the ground of their proceedings, that they had ordered it to be printed. He contended, that the petition, which was the subject of debate, was without precedent in the annals of Parliament. If it was to be received, it was proper that the House ought to know what kind of evidence was meant to be adduced to prove and identify the words of the Managers. It was absurd to say, that the accuser was to be satisfied with whatever words the Managers themselves might chuse to avow. Every part of the petition was new, except the spirit of it coming from Mr. Hastings, whose constant practice, throughout his whole life, had been to become the accuser of his accusers. Nundcomar had been the accuser of Mr. Hastings — Nundcomar was tried on the accusation of Mr. Hastings for a forgery, and executed. The Managers, in the present instance, might probably have shared the same fate, had Sir Elijah Impey been their Chief Justice! If, said Mr. Fox, the Managers have failed in the execution of their duty, let them be removed, and others appointed in their room; there were many gentlemen well qualified for the task, and whoever undertook it, they would find that he, and those with whom he acted, would not play the same game that had been played against them. They would find them the zealous supporters of a cause, in which not only the dignity of Parliament, but the honour of the national character, was at stake.

stake. But if, after the fatigues of their duty in Westminster Hall, they were only to be obliged to defend in that House, every word in their speeches, which the prisoner at the bar, or his agents, might think extraneous or irrelevant, he thought it would be better if the House were to appoint a Committee, consisting of the honourable Major and his friends, or Mr. Hastings himself, to revise and correct the speeches of the Managers before they were spoken, lest any expression might be introduced which might be hurtful to his feelings. He could not but congratulate the honourable gentleman who had brought in the petition, on the support of a measure which he firmly believed was calculated to throw contempt and ridicule on their proceedings; but he trusted that the House would not desert those whom they had delegated for the execution of a task of such an arduous and complicated nature. The honour and character of the Commons were involved in the conduct of their representatives, who, from the peculiar situation in which they stood, were intitled not only to the protection but the indulgence of the House. It was absurd to say, that in a criminal charge, nothing was to be alluded to, which did not immediately relate to the charge. Suppose, for instance, a man was indicted for murder, and it afterwards appeared, that to accomplish that murder, the culprit had broke open the house. The Counsel for the prosecution mentions this fact, but is immediately stopped by the prisoner, "You are not to mention a syllable of the house breaking, because that of itself is a crime." Upon the whole, Mr Fox hoped that the House would not be disposed ultimately to countenance a petition, under the circumstances which he had stated.

Mr. *Anstruther* contended, that there was no way of judging of the import of the expressions said to be used by his right honourable friend, but by comparing it with the context. For that purpose, it would be necessary to have the whole of the right honourable gentleman's speech before the House. The next step to be taken, would be to go into a proof of the allegations contained in the petition, which would lead to a counter-proof on the part of the Managers. He concluded, with giving a negative to bringing up the petition.

Mr. *Pulteney* was clearly of opinion, that the House of Lords were the proper tribunal to which Mr. Hastings ought to have applied for redress. Every court, from the highest to the lowest, had a discretionary power of checking improper words or expressions which might drop from the Counsel at the bar. He considered the petition of Mr. Hastings to the House of Commons as one which ought not to be entertained at all. Suppose, for instance, said he, that the King was to order his Attorney General to prosecute any individual on certain

certain specified charges ; if any expressions are made use of at the bar, which the charges did not warrant, what was the remedy ? Not surely a petition to the King, under whom, and by whose authority, the Attorney General acted ; but the defendant would apply to the Court, before whom he was to be tried, for that protection which they invariably afford to the meanest subject in the country. On these grounds, he certainly should object to receiving the petition at all

Mr. Burton. Mr. *Burton* remarked that, in his opinion, plain and simple justice required that the petitioner should be heard. He considered as entirely a parallel case, that of an advocate's proceeding too far against a defendant, and the defendant applying to his client, the employer of the advocate, to restrain him within due limits.

Maj. Scott Major *Scott* rose next, and said, Though I have intruded myself so much upon the House, yet I trust in their indulgence to allow me to say a few words, in reply to the very extraordinary personal remarks that have been made upon me ; and I do assure you, Mr. Speaker, that I will not be diverted from my purpose by the wit, humour, ridicule, and violence of the right honourable gentlemen, (Mr Fox and Mr. Burke) nor by the positive assertions of the honourable General (Burgoyne.) The facts that I have stated are clear and perspicuous ; they lie in a very small compass, and can be comprehended without perusing the volumes which the right honourable gentleman mentions. But the House are told, that no attention is to be paid to me, because I have been in the habit of abusing Members of this House ; and a ridiculous article is read from a newspaper, stating that the honourable Manager's veracity has been written down at five and sixpence a paragraph. I am much obliged to the gentleman for giving me so fair an opportunity of stating this matter fully to the House. I declare solemnly, that no bill, containing such items as the Manager has read, or any items at all, ever was sent to me from the Morning Herald, or any other paper ; but it is true, that between April 1782 and December 1783, I paid the sum of money mentioned ; the rest of the bill is a mere fabrication, to which no man living can give serious credit for a moment. I will now explain to the House how I came to pay the editor of the Morning Herald such a sum, or any sum at all. Gentlemen will recollect, that from April 1782 to December 1783, there was a regular systematic plan carried on, for depriving the East-India Company of its rights, and for removing Mr. Hastings from the government of Bengal. This scheme would have been effected in December 1783, if the right honourable gentleman (Mr. Fox) had carried his bill. In all
this

this period, I was the avowed and acknowledged agent of Mr. Hastings, acting in concert with a great number of the most respectable proprietors of East-India stock, in defence of the Company, and the Governor General of their choice. Various publications appeared in that period, which of course were paid for, in the Morning Herald, and the account of the totals only was sent to me, which, at this moment, are in my possession, being mere memorandums on small slips of paper; but if a bill had been made out, with a specification of particulars, one of the most material articles would have been, "Paid for the insertion of the speech of an honourable and learned gentleman (Mr. Anstruther,") now sitting above the right honourable gentleman (Mr. Fox,) that learned gentleman having spoken most eloquently and ably in favour of Mr. Hastings, before a very full Court of Proprietors. In point of fact, Mr. Speaker, he made a better speech in his favour, than ever I did in the whole course of my life.

The honourable General accuses me, of attacking his Reports. I have not attacked them; but what I have said, I will repeat, nor shall any thing which that honourable General, or any of his friends, can say, deter me from repeating it; and it is a matter of perfect indifference to me, whether the honourable General approves of it or not. I affirm, that the honourable Manager, in so far as he implicated Mr. Hastings in the story of Meeran, or the Three Seals, was guilty of cool, deliberate, and intentional misrepresentation, and I will prove it at any time. Of General Caillaud I said not one word; I purposely avoided it, because the subject is not before us: but since the honourable General talks so much of the fidelity and accuracy of a Report, which was not attacked, and avows himself to be the composer of it, I desire to ask that honourable General, how it happens that he has omitted to enter one half of this story of the three seals in his Appendix? I suppose it was from carelessness; yet, as the honourable General plumes himself upon his accuracy, I desire to tell him, that he has been very inaccurate. No answer has been given to my statement of the business of Deby Sing; no answer can be given to it: but I will take effectual care, that I am not diverted from the statement of it, in the plainest and most unequivocal terms, by menaces, by violence, by clamour, by ridicule, or by the introduction of extraneous matter. A Manager of the House of Commons, speaking in their name, and professing to speak by their instructions, comes forward in Westminster; he gives a very long detail of cruelties exercised upon certain people in Bengal, which persons of all ranks, descriptions, and ages hear with a mixture of sorrow and indignation;

horror sits upon every countenance; several ladies are carried away fainting; and the Court breaks up in the utmost confusion. The story circulates throughout every corner of Europe; it is perpetuated by a print of the High Court in Westminster Hall, where the Manager is represented as speaking; ladies as fainting, or dissolved in tears; and the Managers with marks of the deepest anguish and distress in their faces; yet I will prove, that at the very moment the Manager told these tales, he knew that if they had been true, Mr. Hastings could not have been made responsible; I will prove, that after a very serious and solemn inquiry, in the Government of Sir John Macpherson, the most dreadful of the stories turned out to be totally false! Whether such calumnies, circulated in the name of the Commons of Great Britain, are unworthy notice, they are to judge; I have performed my duty, after presenting the petition, by stating them; nor shall any measures which those opposite to me can take induce me to retract one word; on the contrary, I will take every means in my power to publish every circumstance to the world.

Mr. Fox. Mr. Fox observed that, as the properest answer to the extremely censurable abuse which the honourable Major had so violently levelled against a right honourable Manager, (Mr. Burke) he should appeal to the Speaker, to know whether he meant such personal invectives and ungentleman-like expressions to continue to pass in that House? He called for the protection of the House for the Managers against the repeated revilings and insults of the agent of the accused.

The Speaker. The *Speaker* expressed his utmost readiness to answer every question put to him, either by the House, or any individual Member. He conceived it to be the order of the House, that when any words of a Member were deemed disorderly, to stop the Member when he uttered them, and having the words taken down, to take the sense of the House upon them. He regretted much the warmth that had discovered itself so generally in the debate, and if any Member had appealed to him, he would have stated his opinion on its impropriety.

The question was then put, and carried without a division.

And the petition of Warren Hastings, Esq. late Governor General of Bengal, was presented to the House, and read; setting forth, “ That the petitioner was impeached by this
“ House, before the Lords Spiritual and Temporal in Par-
“ liament assembled, on a charge of high crimes and misde-
“ meanors, contained in certain articles exhibited according
“ to the just and proper usage of Parliament, and was re-
“ quired by the Lords to give in his answer to the same, a
“ com-

“ competent time being allowed him to prepare it, and which
 “ answer he delivered accordingly; and that the Managers
 “ appointed by the House to carry on the prosecution, not
 “ confining themselves to the articles of charge, which were
 “ especially exhibited against the petitioner, and to which
 “ he was required to deliver his answer, and had so answered
 “ as aforesaid, did, in the last year, introduce certain alle-
 “ gations in the course of their proceedings, which not only
 “ were not contained in, nor bore any immediate relation to
 “ the said articles of charge, but were wholly extraneous
 “ and foreign from them, although they were of such a na-
 “ ture as, if true, would have rendered the petitioner infi-
 “ nitely more criminal than any thing contained in those
 “ which had been formerly exhibited against him; and that
 “ the allegations to which the petitioner more particularly
 “ alludes, were as follows—that he was concerned as an ac-
 “ complice in a plot, alledged to have been formed for the
 “ purpose of assassinating the Shahzada, or Prince of Hin-
 “ dostan—that he was concerned as an accomplice in pro-
 “ curing the death of Meeran, the son of the Nabob Jaffier
 “ Ally Cawn—and that he was the author and instigator of
 “ various acts of oppression and savage cruelty, alledged to
 “ have been committed by a man named Deby Sing, under
 “ the appointment of the petitioner; and that the trial, after
 “ an adjournment of upwards of ten months, was re-com-
 “ menced on the 21st instant, and the article, intitled “ Pre-
 “ sents,” opened by the right honourable Edmund Burke,
 “ in the name of the Commons of Great Britain, and the
 “ said right honourable Manager, in like manner as in the
 “ preceding year, introducing many allegations, foreign
 “ from the express charge, did, in direct terms, charge the
 “ petitioner with the horrid crime of murder, using the fol-
 “ lowing words, “ He,” meaning the petitioner, “ murdered
 “ that man,” (alluding to Nundcomar) “ by the hands of
 “ Sir Elijah Impey :” That the said right honourable Mana-
 “ ger, and the other Members appointed by the House with
 “ him to be joint Managers of the prosecution, have, at va-
 “ rious times, declared, that they spoke by instructions from
 “ this House, whose representatives they were, and that
 “ they should alledge nothing which they were not prepared,
 “ and willing, to prove: That it would not become the pe-
 “ titioner to suppose that such allegations so made in the
 “ name, and by the representatives of this House, were not
 “ made by the command of the House, although no charge
 “ containing them has been yet preferred against him; the
 “ petitioner therefore declaring that the above recited accu-
 “ sations are all untrue, and utterly unfounded, most hum-
 “ bly appeals to the justice of the House, and prays that
 “ such

“ such of them as properly fall within the immediate cogni-
 “ zance of the House, may be brought forward, and prose-
 “ cuted, in specific articles, and that, in respect of the rest
 “ of them, such other mode of prosecution may be directed,
 “ or means adopted by the House, as may enable the peti-
 “ tioner to make the refutation of these several matters of
 “ grievous crimination as public as the charges themselves
 “ have been, or that the House will afford him such other
 “ redress in the premises as to the House shall seem meet.”

Mr. Burke Mr. *Burke* rose, and said, that those who did not under-
 stand the learned languages, might not know that vehemence
 and warmth were distinct things. He declared, that if by
 his conduct as Manager, he had drawn honour and applause
 upon himself, that House, by whose instructions, and in
 whose presence he had opened the charge, in which he had
 urged the allegations first complained of in the petition, were
 participators in the honour and applause; if, on the other
 hand, he had incurred disgrace, the House were equally par-
 ticipators in it; since they had heard him make the accusa-
 tion, without finding the least occasion to check or censure
 him; and, in fact, it had never appeared to them that he had
 gone at all into extraneous or improper matter, till the
 complaint had been brought to them by the agent of Mr.
 Hastings, the known libeller of that House, who ought to
 have been expelled long since. [A call of Order! Order!]

Maj. Scott Major *Scott* said, he would not suffer the right honourable
 gentleman to call him a libeller; though the agent of Mr.
 Hastings, he sat in that House as independent a man as the
 right honourable gentleman, and therefore he did not wonder
 at the House feeling as one man, and calling to order, when
 so indecent an attack was made upon his character. He add-
 ed, that no man should dare to throw such illiberal reflections
 upon him.

Mr. Sumner Mr. *Sumner* observed, that although the honourable gen-
 tleman was the agent of Mr. Hastings, he was, in every
 sense of the word, as respectable a character as the right ho-
 nourable Manager.

Mr. Burke Mr. *Burke*, producing the Morning Herald, which con-
 tained the list of charges supposed to have been made to Ma-
 jor Scott, for the insertion of articles on the subject, said,
 that he called the honourable gentleman a libeller of the
 House upon good grounds, since the paper contained an ac-
 count of money paid for the publication of libels, upon some
 of the most respectable Members in that House, for doing
 their duty.

The Speaker The *Speaker* now rising, declared that it was extremely
 disorderly for any gentleman in debate to call a Member of
 that House a libeller. He must beg, therefore, that the right
 honour-

honourable gentleman would not again give him occasion to interrupt him, as he certainly should hold it his duty to do, even once more he thus violated the regularity and order of the House.

Mr. *Burke* answered, that bowing to the authority of the Mr. *Burke* Chair, he would therefore only repeat, that the House had heard him state the allegations now complained of a year ago, and that neither that House, nor the House of Lords, who termed the high tribunal, before which he had urged the allegations, thought it necessary to make the smallest animadversion on his conduct.

Colonel Phipps begged to know what the question was that was before the House?

The Speaker stated it to be, "That this petition do lie on the table."

Mr. *Burke* desired to remind the House, that he had, in Mr. *Burke* the preceding debate, declared, that if they thought him an improper person to be employed as a Manager of the prosecution, and would take the task from off his shoulders, they would relieve him from a burden of great weight. He repeated his former declaration, that if, by his conduct as a Manager, he had acquired credit and honour, by his manner opening the charges a year ago, that House were participators in that credit and honour, from having not only heard him make his opening, but never found fault with his manner of making it; and if, on the other hand, he had incurred disgrace, they were, for the same reason, equally participators in that disgrace.

Mr. *Sumner* observed, that if he had come down to that Mr. *Sumner* House without any opinion upon the subject, the right honourable gentleman had furnished him with a strong reason for supporting the motion to put the petition on the table. If the fact were as the right honourable gentleman had stated, that the House were equally participators in the honour and in the disgrace incurred by that right honourable gentleman as a Manager of the prosecution of the impeachment carried up to the House of Lords against Mr. Hastings, it was an unanswerable argument for the House watching over the conduct of their own Managers, and restraining them, so as to confine them within such bounds of discretion and propriety as should render their incurring disgrace impossible.

Mr. *Marshall* conceived that the honourable Member who Mr. *Marshall* spoke last, had animadverted too harshly upon the conduct of his right honourable friend, because his right honourable friend had accompanied his declaration, that if he had incurred disgrace by his procedure as a Manager, the House were participators in that disgrace, with a reason why they were participators. He had said, that the chief of the allegations

prit against his accusers; declaring, that he conceived all which he had mentioned, to be the natural consequence of the prosecution being in the hands of those who were not, generally speaking, the favourites of the House. Therefore, it would be better to change the Managers at once, than to let them remain acting under disabilities and difficulties thrown in their way by the House itself: its character and its honour were interested in the prosecution, and it was of much greater consequence that the House should preserve its consistency, and either give its full confidence to the present Managers, or chuse others in whom it would repose confidence. than give a handle to its enemies to say that it acted in a prevaricating way, and indirectly endeavoured to cast inefficacy upon a prosecution which they themselves had instituted.

Mr. Burke Mr. *Burke* observed, that he intended, upon the immediately ensuing Thursday, to close the opening of the charge which he had begun, and proceed to adduce evidence; one of the first articles he should use to prove the bribery and peculation of Mr. Hastings, would be the evidence of Nundcomar. He wished, therefore, to know whether the House chose that he should use that evidence, or abandon it altogether; because it would necessarily imply a criminal charge against Mr. Hastings. Mr. Burke enlarged on the several facts relative to this part of the charge, and read extracts from the defence given in at the bar of the House by Mr. Hastings, and which Major Scott had afterwards deposed to be written by him and another gentleman. Mr. Burke discriminated between the general powers given to the Managers by the House, and what the French term the *moyens* or means of carrying these powers into effect, which, in all cases where general powers are given, are left to the discretion of the Managers.

Mr. Bouverie Mr. *Bouverie* objected to the petition's being laid on the table. He admitted, that the House had a right to interfere, and control the Managers, who acted under their authority, but then he thought the interposition should only be made in such a case as that of the Managers having failed to discharge their duty, or abandoned the prosecution they were commissioned to carry on. The tribunal who tried the culprit was, in his opinion, the culprit's only proper protector; and, in case his accusers went out of their road to accuse him, would, in justice, interpose and check them. Mr. *Bouverie* feared the interference of the House on the present occasion, would materially affect the prosecution, and perhaps prove its ruin. If the petition were entered upon farther, he declared, he really believed the loss of the cause would be the unfortunate consequence, and therefore he

he would object to the petition's being suffered to lie on the table.

The question was put, and carried, without a division.

Major *Scott* gave notice of the day on which he wished the Maj. Scott petition to be taken into consideration. He understood that Thursday or Friday were the days which would be most agreeable. He would, therefore, name Thursday.

Mr. *Marshall* asked, whether it was right, on the very Mr. day that the Managers were to act as accusers of Mr. Has- Marshall. tings, before the House of Lords, that they should, as soon as they had finished in Westminster Hall, return to that House and be accused themselves?

The *Speaker* said, that no motion relative to the petition The could place after the question, "That the petition lie on the Speaker. table," was carried. It could only therefore be a notice.

Mr. Chancellor *Pitt* thought that Thursday might be the Mr. Pitt, day, and to obviate the honourable gentleman's objection, a message might be sent to the Lords, to desire them to put off the trial till Friday.

Mr. *Burke* remonstrated against his being sent to the House Mr. Burke of Lords, to inform them that it was necessary to put off the trial of Mr. Hastings till Friday, in order that he might himself be tried first in the House of Commons, at the instance of Major Scott and Mr. Hastings. He wished nothing to be done that might appear ludicrous in its effect, and cast an air of absurdity upon their proceedings. He stated to the House, that the very same means by which the Managers meant to prove Mr. Hastings guilty of the charge, would be necessary for their own defence against the allegations of the petition. The matter would take up much time, and be found to be exceedingly complex. The papers alone necessary, in relation to the charge respecting Deby Sing, made five volumes in folio, and there would be various documents to be referred to. Mr. Burke complained, that the putting the accusers on their trial, at the instance of the party accused, was, in effect, turning the whole prosecution into contempt and ridicule. For his own part, he would readily consent to any thing but being made ridiculous. He stated the hard treatment which the Managers had experienced, in return for having given up their time, their comfort, their health, and, in short, every thing that was dear to them, but their honour and their characters. Such treatment might be sport to Major Scott and Mr. Hastings, but it was death to him, and those who acted with him.

Colonel *Phipps* observed, that if he understood the right Colonel Phipps, honourable gentleman correctly, five volumes were necessary to be read in defence of the Managers' conduct, beside other documents. This was a little extraordinary to come from

the right honourable gentleman, because, if he was not mistaken, the right honourable gentleman, in another part of the debate, had expressed a wish that the petition might be taken into consideration that evening.

It was at length settled, that the petition should be taken into consideration on the immediately ensuing Thursday.

The House adjourned.

✧

Thursday, 30th April.

The House having been moved, "That the petition of Mr. Hastings might be read,"

Mr. Pitt. Mr. Chancellor *Pitt* begged leave to remind the House, that at the time when they received the presented petition of Mr. Hastings, it was more than generally understood that the subject of complaint would have been on that day discussed: it was not, however, convenient that such discussion should then take place, as the regularity of the proceedings of the House required certain forms to be observed, which would render it necessary to postpone the consideration of the petition until the day following. He understood it to be the invariable rule of that House, in all similar cases to the present, that the subject matter of debate should be entered upon the journals, and that it should likewise appear thereon that the right honourable Member (Mr. Burke) against whom the petition complained, was present in his place at the period of giving notice of the day on which the complaint was to be considered. He knew, in fact, that the right honourable gentleman (Mr. Burke) had received as much notice as he desired, and therefore the motion which he should take the liberty of pressing upon the House, was calculated merely for the maintenance of the regularity of their proceedings. It was, "That a petition having been presented from Warren Hastings, Esq. against a Manager of the prosecution, and the name of Edmund Burke, Esq. being mentioned in the said petition, notice is given to that gentleman, now being in his place, that the House will, upon the morrow, take the matter of the said petition into consideration."

Mr. Burke Mr. *Burke* now rising, remarked, that his sentiments perfectly coincided with those of the right honourable gentleman, inasmuch as they respected the propriety of his motion for the purpose of preserving the regularity of the proceedings of the House, by entering on the journals the subject of the complaint, and a statement that notice had been given formally to the person complained against. It was, however, a ceremony with which he was willing to dispense, having no objection to the House taking any part, or the whole of his conduct, into consideration, in the manner they thought most proper, being convinced, on the most cool reflection, that

that he had every reason to confide in, and be satisfied with, the decision of the House, whatever it might be, as he could implicitly rely on their honour. To their decision he would with deference submit; he begged leave, however, to repeat what he had on a former day said, that if they wished to remove him from the management of the prosecution, he was very ready and willing to retire. He would wait for the determination of the House, and he declared that he should not attend the House upon the morrow, during the discussion of the business, being determined to suffer judgement to go by default. If any judgement was to be given, he wished the House to have as little trouble as possible, and should therefore, for the purpose of avoiding any difficulty of proof, and to shew how willing he was to meet the charge, admit that he did assert the words complained of, "That Mr. Hastings murdered Nundcomar by the hands of Sir Elijah Impey." The House, he hoped, would recollect the peculiar circumstances attending the case of the unfortunate Nundcomar; he was possessed of certain knowledge of the bribery and corruption of Mr. Hastings, and the charge of presents exhibited against that gentleman was necessary to be supported by circumstantial evidence, in which he could not avoid introducing the proceedings against, and the fate of, Nundcomar, as principal and material features; it was therefore natural to allude to that subject in the opening of the charge. It was singular, that, in the moment when Mr. Hastings was on the point of being convicted of the foulest bribery, he should bring forward a charge against his accuser: he was convinced that it was done with the view to divert the attention of the House and the Public from Mr. Hastings's criminality to a complaint against his accuser. The singularity of the present petition was not, however, confined to the observations he had already made; the House might act inconsiderately in going into a discussion of the petition; it was a most notorious fact, that Mr. Hastings had, at the bar of that House, gravely given in, some time since, in writing, signed by his own hand, a paper, purporting to be his defence, which was accepted as his defence by the House of Commons; but when the Managers came to substantiate the charges, and quoted part of the defence in support of the charges, Mr. Hastings immediately procured the honourable gentleman (Major Scott) to swear before the Lords, and to assert in that House, that it was not written by Mr. Hastings; that many parts were written by other gentlemen, and that some passages in it had not even been seen by Mr. Hastings.

Major Scott spoke to order, and charged Mr. Burke with Maj. Scott having taken great liberties in his speech, which he would not

suffer to pass unexplained ; and therefore, he called upon him for an explanation.

The Speaker put an end to the conversation, by desiring the Major to sit down.

Mr. Burke again rose, and was proceeding in his speech, by saying, he despised all attempts to interrupt him.

Mr. Sumner immediately called him to order, and declared that he did not conceive that any Member had a right to say he despised the interruption, when disorderly, of any Member of that House, whether a friend to Mr. Hastings or not.

The Speaker again interposed, and Mr. Sumner sitting down,

Mr. Burke said, that the House ought to recollect, that if obstacles were suffered to be thrown in the way of the Managers of the prosecution, it would ultimately tend to the disgrace of the House ; if the Managers were crippled by their powers being restricted, the prosecution would be defeated, and villany triumph over justice. He concluded, by again repeating, that he trusted implicitly to the honour of the House, being convinced, in his own mind, that they would protect the Managers to the utmost, and enable them, for the purposes of justice, to proceed with vigour.

Mr. Pitt. Mr. Chancellor Pitt felt himself at a loss to imagine that the right honourable gentleman was serious in his objection to the petition, and in cautioning the House against receiving it, because it was signed by Warren Hastings ; for whatever, on former occasions, had been done by that gentleman, he could not have forfeited his right of petitioning the House.

Mr. M. A. Mr. Michael Angelo Taylor considered the petition not as
Taylor. merely against his right honourable friend (Mr. Burke,) but as against the Managers of the impeachment in general, and as a complaint against the whole House of Commons.

Mr. Adam Mr. Adam declared that it was very extraordinary in Mr. Hastings to imply a complaint against the Managers in his petition, when by his own conduct he appeared to have nothing in his view but delay. The petition, he said, was, in his opinion, absolutely destitute of any degree of merit or notice on the subject of which it complained. He noticed the circumstance of Mr. Hastings having delivered in at the bar of that House a defence in writing, which afterwards was denied to be his defence, on the oath of the honourable gentleman who presented the petition in question. Let gentlemen remember, that Mr. Hastings had disavowed what he had delivered at the bar of that House ; let them consider that they might be treated in a similar manner by a disavowal of the present petition. The inconvenience occasioned by the present worthless petition, went particularly to the courts
of

of law, which were deprived of a day's proceeding: he was averse to the postponing the consideration of the petition, on account of giving his right honourable friend (Mr. Burke) sufficient notice; such notice he considered as highly absurd, as his right honourable friend had declared himself ready to meet the accusation.

Mr. Chancellor *Pitt* answered, that he did not make his *Mr. Pitt.* motion for the purpose of giving the right honourable gentleman (Mr. Burke) notice of the petition being to be considered upon the morrow, but merely for the sake of regularity in the proceedings of the House. He well knew that the right honourable gentleman had received sufficient previous intimation of the intended discussion of the point in question.

Mr. Chancellor *Pitt's* motion was then put, and carried.

He next moved, "That a message be sent to the Lords, acquainting them that circumstances had happened, which rendered it inconvenient for the Commons to proceed that day in the trial of Warren Hastings, Esquire, and that the Commons requested their Lordships to adjourn the farther consideration of the trial to a future day."

This motion being agreed to, Mr. Hobart was ordered to carry it to the Lords.

Mr. Hobart went immediately to the Lords, and presented the message, and being returned, reported that their Lordships had agreed therewith, and postponed the farther proceedings on the trial until the ensuing Tuesday.

The House adjourned.

Friday, 1st May.

Lord *Penrhyn* expressed his wishes, as the order for going *Lord* into a Committee on the Slave Trade stood for Tuesday, to *Penrhyn.* be informed whether the honourable gentleman who had introduced the subject, meant to make his motion on Tuesday, or merely to state it for the consideration of the Committee. The honourable gentleman, he observed, was not in his place, but possibly the right honourable gentleman could give him the information he required.

Mr. Chancellor *Pitt* begged leave to inform the noble *Mr. Pitt.* Lord, that he had not communicated on the subject with the honourable gentleman who introduced it, but he believed it was his intention to make a motion grounded on the Reports of the Privy Council which had been laid before the House. At the same time, he thought Tuesday was too early a day for the House to have thoroughly examined those Reports, and therefore he imagined the order would be moved to the Monday following.

Lord

Lord
Maitland

Lord *Maitland* doubted whether the House would conceive that an inquiry of such magnitude and importance, which concerned their commerce, and involved in it considerations which materially affected the prosperity of the country, should rest alone upon the evidence of persons examined before the Privy Council, and that it was not incumbent upon them to examine witnesses themselves. He had thought it necessary to throw out thus much, in order that gentlemen might turn it in their minds, as he was himself by no means of opinion that a Report of the Privy Council having been laid upon the table by Ministers could, of itself, sufficiently guide the House through a discussion of equal intricacy and importance.

Mr. Pitt.

Mr. Chancellor *Pitt* flattered himself that it was not possible for him, upon the present occasion, to lie open to the unmerited suspicion, that it could be his wish to deprive the House of the power of exercising the freedom of inquiry, or to preclude any gentleman from calling for whatever evidence they might think proper; but surely Government were not to be blamed for having applied themselves to the subject, and submitted the result of their inquiries to the House. He believed, that this would hardly be felt to have been an insult to the House, or an improper conduct on the part of Government. If there were any persons who thought these materials sufficient to ground any motion they wished to bring forward upon them, they would do so; on the other hand, if there were any persons who thought other materials necessary, they would call for them. If the noble Lord, for instance, meant to call for other materials, he would revolve in his mind the nature of those materials which he wished to have called for; and if he thought them absolutely necessary, ask for them in time. But it was not merely the Report of the evidence adduced before the Privy Council that the House were in possession of; they were in possession of other accounts, which they had been furnished with last year, when the bill that passed upon the subject was under consideration. He hoped that those gentlemen who objected to the proceedings, upon such evidence as was before the House, would, when the Committee should sit, come prepared with their own evidence.

Lord
Maitland.

Lord *Maitland* lamented that the right honourable gentleman should have so strangely misconceived his meaning. He had never said, that laying the Report of the Privy Council upon the table was an insult to the House, nor any thing like it; and, for one, he did not mean to call for any evidence; it was for those who brought forward the subject, to bring such evidence as should be necessary for the full information of the House. All he wished was, to guard the

House

House against surrendering their privileges, by relying on the examination of others, instead of examining witnesses themselves.

Mr. *Gascoyne* signified his intentions to move, “ That the order for Tuesday be discharged, and stand over till the Tuesday following;” a motion which he imagined, from what the right honourable gentleman had said, he had by mere accident omitted. Mr. *Gascoyne* added, that he conceived that from the right honourable gentleman’s speech, there would be found some useful information in the Report of the Privy Council. He concluded with moving, “ That the order be discharged.”

The question was put, and carried.

Sir *William Dolben* having observed that he had no objection to discharging the order for Tuesday, asked if it would not be more respectful to the honourable gentleman who moved the order, if it were done in his presence?

Mr. *Gascoyne* answered, that he was far from meaning to offer the least disrespect to the honourable gentleman in question, nor did he think himself guilty of ill manners to him, in moving that the order be discharged. It was agreed that it should be discharged; and surely, it was better to discharge it then, than to let gentlemen come down on Tuesday, in expectation that the slave trade was to come under consideration on that day, who would not attend, were they apprized in time that it was postponed to a future day; and therefore he moved, “ That the order stand for the ensuing Tuesday se’nnight.”

Mr. *Chancellor Pitt* remarked, that the honourable Baronet had certainly fallen into an error, if he imagined that the honourable gentleman who was absent had moved the order for the ensuing Tuesday, since he had himself moved it in the absence of the honourable gentleman, who was detained from town, and who, he was sure, could not have any objection to giving gentlemen time to prepare themselves for an impartial discussion of the subject.

Sir *William Dolben* answered, that the session was so far advanced, that he was not without his apprehensions, that if the consideration of the business were protracted much longer, it would be impossible to go through with the discussion previously to the close of the session.

An order was made for going into the Committee upon the ensuing Tuesday se’nnight.

The order of the day having been read, for taking into consideration the petition of Warren Hastings, Esquire,

It was moved, “ That the petition be now read,” and the same being accordingly read,

Mr.

Mr. F. *Mr. F. Montagu* begged leave to inform the House that *Montagu.* he had just received a letter from the right honourable Manager, whose name was mentioned in the petition. He added that any prefatory remarks from him were needless, as the letter which he hoped for the permission of the House to read would speak much more forcibly than any language or expressions to which he could possibly recur.

Mr. Montagu then read a letter from *Mr. Burke*, as follows:

“ My Dear Sir,

“ WITH the consent, as you know, and the approbation of the Committee, I am resolved to persevere in the resolution I had formed and had declared to the House, that nothing should persuade me, upon any occasion, least of all upon the present occasion, to enter into a laboured, litigious, artificial, defence of my conduct. Such a mode of defence belongs to another sort of conduct, and to causes of a different description.

“ As a faithful and ingenuous servant, I owe to the House a plain and simple explanation of any part of my behaviour which shall be called in question before them. I have given this explanation, and in doing so I have done every thing which my own honour and my duty to the House could possibly require at my hands. The rest belongs to the House. They, I have no doubt, will act in a manner fit for a wise body, attentive to its reputation. I must be supposed to know something of the duty of a prosecutor for the public; otherwise neither ought the House, to have conferred that trust upon me, nor ought I to have accepted it. I have not been disapproved by the first abilities in the kingdom, appointed by the same authority, not only for my assistance, but for my direction and control. You, who have honoured me with a partial friendship, continued without interruption for twenty-four years, would not have failed in giving me that first and most decisive proof of friendship, to enlighten my ignorance and to rectify my mistakes. You have not done either; and I must act on the inference. It is no compliment to mention what is known to the world, how well qualified you are for that office, from your deep parliamentary knowledge and your perfect acquaintance with all the eminent examples of the ancient and modern world.

“ The House having, upon an opinion of my diligence and fidelity, (for they could have no other motive) put a great trust into my hands, ought to give me an entire credit for the veracity of every fact I affirm or deny. But if they fail with regard to me, it is at least in my power to

“ be

“ be true to myself. I will not commit myself in an unbe-
 “ coming contention with the agents of a criminal, whom it
 “ is my duty to bring to justice. I am a Member of a Com-
 “ mittee of Secresy, and I will not violate my trust by turn-
 “ ing myself into a defendant, and bringing forward, in my
 “ own exculpation, the evidence which I have prepared for
 “ his conviction. I will not let him know who the witnesses
 “ for the prosecution are, nor what they have to depose
 “ against him. Though I have no sort of doubt of the con-
 “ ficiency and integrity of those witnesses, yet because they
 “ are men, and men to whom, from my situation, I owe
 “ protection, I ought not to expose them either to temptation
 “ or to danger. I will not hold them out to be importuned,
 “ or menaced, or discredited, or run down, or possibly to be
 “ ruined in their fortunes by the power and influence of this
 “ delinquent; except where the national service supersedes
 “ all other considerations. If I must suffer, I will suffer alone.
 “ No man shall fall a sacrifice to a feeble sensibility on my
 “ part, that at this time of day might make me impatient of
 “ those libels, which by despising through so many years, I
 “ have at length obtained the honour of being joined in com-
 “ mission with this Committee, and of becoming an humble
 “ instrument in the hands of public justice.

“ The only favour I have to supplicate from the House is,
 “ that their goodness would spare to the weakest of their
 “ Members an unnecessary labour; by letting me know as
 “ speedily as possible, whether they wish to discharge me
 “ from my present office; if they do not, I solemnly promise
 “ them, that, with God’s assistance, I will, as a Member of
 “ their Committee, pursue their business to the end: that no
 “ momentary disfavour shall slacken my diligence in the
 “ great cause they have undertaken; that I will lay open,
 “ with the force of irresistible proof, this dark scene of bri-
 “ bery, speculation, and gross pecuniary corruption, which I
 “ have begun to unfold, and in the midst of which my
 “ course has been arrested.

“ This poor Indian stratagem, of turning the accuser into
 “ a defendant, has been too often and too uniformly practised
 “ by Dehy Sing, Mr. Hastings, and Gunga Govind Sing,
 “ and other Banyans, black and white, to have any longer
 “ the slightest effect upon me, whom long service in Indian
 “ Committees has made well acquainted with the politics of
 “ Calcutta. If the House will suffer me to go on, the mo-
 “ ment is at hand when my defence, and, included in it, the
 “ defence of the House, will be made in the only way in
 “ which my trust permits me to make it, by proving juridi-
 “ cally on this accusing criminal the facts and the guilt which
 “ we have charged upon him. As to the relevancy of the
 “ facts,

“ facts, the Committee of Impeachment must be the sole
 “ judge, until they are handed over to the Court competent
 “ to give a final decision on their value. In that Court the
 “ Agent of Mr. Hastings will soon enough be called upon to
 “ give his own testimony with regard to the conduct of his
 “ principal: the agent shall not escape from the necessity of
 “ delivering it; nor will the principal escape from the testi-
 “ mony of his agent.

“ I hope I have in no moment of this pursuit, (now by me
 “ continued, in one shape or other, for near eight years)
 “ shewn the smallest symptom of collusion or prevarication.
 “ The last point in which I could wish to shew it is in this
 “ charge, concerning pecuniary corruption.—A corruption
 “ so great and so spreading, that the most unspotted charac-
 “ ters will be justified in taking measures for guarding them-
 “ selves against suspicion. Neither hope, nor fear, nor an-
 “ ger, nor weakness, shall move me from this trust.—No-
 “ thing but an act of the House, formally taking away my
 “ commission, or totally cutting off the means of performing
 “ it. I trust we are all of us animated by the same senti-
 “ ment.

“ This perseverance in us may be called obstinacy inspired
 “ by malice. Not one of us, however, has a cause of malice.
 “ What knowledge have we of Sir Elijah Impey, with whom,
 “ you know, we began; or of Mr. Hastings, whom we af-
 “ terwards found in our way? Party views cannot be our
 “ motive.—Is it not notorious, that if we thought it con-
 “ sistent with our duty, we might have, at least, an equal
 “ share of the Indian interest, which now is almost to a man
 “ against us.

“ I am sure I reverence the House as a Member of Parlia-
 “ ment and an Englishman ought to do; and shall submit to
 “ its decision with due humility. I have given this apology
 “ for abandoning a formal defence, in writing to you,
 “ though it contains in effect not much more than I have de-
 “ livered in my place. But this mode is less liable to mis-
 “ representation, and a trifle more permanent. It will re-
 “ main with you either for my future acquittal or condem-
 “ nation, as I shall behave. I am,

“ With sincere affection and respect,

“ My dear Sir,

“ Your faithful friend, and humble servant,

“ E D M U N D B U R K E.”

*Gerrard Street,
 May 1, 1789.*

When Mr. Montague had distinctly read the letter, he
 said, that he had been honoured with Mr. Burke's friendship
 these

these twenty-four years, that he would not mention the brilliancy of his imagination, the strength and depth of his understanding, or the energy of his eloquence, which was confessed by all, in short it might be said that he possessed

Omnium divinarum humanarumque rerum scientis.

He would only finish by declaring, that what he most admired in his honourable friend were the qualities of his heart, his consummate integrity, and his unbounded benevolence.

Major Scott, speaking next, said, I rise, Sir, to state the nature of the proofs that I mean to adduce in support of the petition which I have had the honour, on a former day, to present to this House; but before I proceed, I must beg the indulgence of the House to take some notice of the letter which the right honourable gentleman has just read. Sorry, indeed, I am, that the right honourable Manager has chosen to be absent on this day, but the House will not suspect me of a wish to say any thing in his absence which I am not ready to say before him. My respect for the House will always lead me to express myself with as much decency as I possibly can; but having presented this petition, I feel myself bound to make out the veracity of the allegations contained in it, and I am confident that I can make them out, and go the full length of my declaration on a former day. The honourable Manager, in the letter just read, talks of material information which he means to collect from evidence he is to draw from me in future. I desire to inform the House, that I have been twice examined already; that I gave a clear and decisive answer to every question put to me, and I do assure them, that whenever I may be called upon hereafter, or whatever the subject may be, the Managers will find from me the same clear, unequivocal evidence. There is no one circumstance relative to Mr. Hastings, or to myself, that I have the slightest wish to conceal. Gentlemen opposite to me may say, and it may be very true, that I have acted very unwisely, and very absurdly on various occasions, but they will not accuse me of having acted dishonourably; therefore, Mr. Speaker, I receive, with perfect indifference, all the insinuations in the letter which has just been read. Sir, the petition complains, in the first place, of the conduct of the right honourable Manager in the story of the three seals, and the way he brought it home to Mr. Hastings was this: that, after the departure of Lord Clive, another set of men succeeded him, who determined upon another revolution. That to this plan Mr. Hastings, then Resident at the court of Meer Jaffer, was a party; that to accomplish it, it was necessary to dispatch the Shazada, and the eldest son of the Nabob, Meer Jaffer. Houses were said to be strong that had sons

grown

grown up to defend them, and he described the Manager "Cossim Ally Cawn, the ferocious tyrant, whom Mr. Hastings had set up."

These events happened, Mr. Speaker, twenty-eight years ago. They were the subject of Parliamentary investigation in 1772 and 1773, and when the reports of the honourable General (Burgoyne) were placed upon the table of this House, and fresh in the mind of every man, much difference of opinion subsisted as to the merits of different gentlemen, but the noble Lord, whom I now see in his place, then the Minister of this country, when he formed an arrangement for the government of India, actually grounded upon these reports, pronounced a very fine eulogium upon Mr. Hastings, and the Legislature conferred upon him the office of Governor-General of Bengal.

This being the actual state of the fact, and such the favourable impression which was entertained of him, after so strict an investigation, I put it to the House whether it was fair or just to implicate him in transactions in which, whether they were wise or unwise, he had no sort of concern. It was doing him a real injury, and he has a right to complain of it.

The next complaint is for the misrepresentation in the affair of Deby Sing; a misrepresentation that never will, nor never can be forgotten. The confusion and distress which it occasioned at the time; the noise it made, not only in every part of Great Britain, but in every corner of Europe, is well known. Yet the Manager knew at the time, that Mr. Hastings could not, under any possible construction, be implicated in the crimes of Deby Sing, if they were true to the extent that he stated them. But there is another, and a very serious consideration for this House—The Manager professed to feel the dignity of the great body that he represented: he disclaimed the privilege of an advocate; he affirmed, that in his prefatory matter he would not make a single assertion that he was not ready to prove, and that he held himself as much bound to account for the preliminary observations, as for the charges themselves. After so solemn a pledge, which carried with it the whole weight of the Commons of Great Britain, who could refuse credit to the Manager? Could the world suppose, that it would hereafter be established by proof, that the Manager, at the time he spoke, knew that if all the facts he stated were true, Mr. Hastings could not be affected by them. Could the world suppose it would be established by proof, that in the government of Sir John Macpherson, this matter was most solemnly investigated by three gentlemen upon oath; and that the most horrid of those cruelties which were stated by the Manager, were actually

never committed by any human being? This is a point in which the honour of the British nation is concerned. In the present moment I will not quote Mr. Hastings as any authority; but I have heard gentlemen of great weight in this House declare, that Bengal is the best governed country in India. Sir John Macpherson has said, that the natives of Bengal are the happiest, and best protected subjects in India. The fact is undoubtedly true; but till the business of Deby Sing, who is a Bengal renter, is explained, doubts of the truth may remain. The injury to Mr. Hastings was serious indeed. Is it a slight matter to be represented as a monster of cruelty throughout Europe? to have the scandal perpetuated by a print of the Court in Westminster Hall, in which the scene of distress on that memorable day was described? What power, but this House, can give him satisfaction? His Counsel did endeavour to clear it up in Westminster Hall, and though I am very ready to allow, that when the right honourable gentleman (Mr. Fox) interrupted Mr. Law, it was not an objection to the matter but to the manner, and the word he used; yet it had the complete effect of preventing his proceeding, since the Court took it up and stopped him. Mr. Hastings, therefore, now brings it before this House.

The last business he mentions is, that of Nundcomar, on which the right honourable Manager, who is absent, appears to rest so much, though it was a story perfectly known in this country almost fourteen years ago. Nundcomar was employed by Mr. Hastings, at the special order of the Directors, to detect certain enormities attributed to Mahomed Reza Cawn, who was supposed, in the year 1772, to have accumulated six or seven millions sterling, and to have added to the miseries of the famine in 1770, by his monopolies and oppressions. Nundcomar, who had laid the information against Mahomed Reza Cawn, was supposed to be the best person for detecting his crimes. The information which had been transmitted to Mr. Gregory, was by him laid before the Secret Committee of the Direction, who sent a copy of it to Mr. Hastings, then recently appointed to the government at Bengal. Mr. Hastings, as he assured the Directors, sacrificed his own feelings, to his sense of duty to them in employing him, and, after a very long trial, Mahomed Reza Cawn was acquitted, having declared then, and since repeatedly, that to the justice and impartiality of Mr. Hastings he was indebted for his life and his honour. Mr. Hastings informed the Directors, that by the acquittal of Mahomed Reza Cawn, he had acquired the enmity of Nundcomar, but this was one year before that man gave in the information against him. When the new council came out, in October 1774, a violent opposition took place,—Nundcomar gave in that

that information against Mr. Hastings to which the Manager alluded. He had done precisely the same thing when Lord Clive arrived in 1765, but his information on enquiry, was found to be base and false, and so stands recorded in the minutes of the honourable General's Committee (Burgoyne's). Mr. Hastings refused to appear at the Board when such a man was examined, not conceiving it suitable to his station as Governor General; but he said, the majority might form themselves into a Committee, and examine into the information: they set as a Board, and transmitted all their proceedings to the Court of Directors. Mr. Hastings wrote to them at the same time, that he would enter into a full explanation of all his conduct to them, in any manner they shall prescribe. The Directors instead of accepting this offer, laid all the papers before Council. No prosecution followed, nor did they even ask Mr. Hastings for an explanation. He had at that time the support of the great men in opposition, and the noble Lord was against him. These events happened in 1776. In the winter of 1778, it became necessary for the noble Lord to fix a new government for India, the Regulating Act expiring in 1779. The noble Lord himself, with the knowledge and consent of the Company, proposed to Parliament, that this very Mr. Hastings, against whom these heavy accusations were made, should be re-appointed Governor General. It was agreed to without a dissenting voice. The next year he again proposed, and the Legislature consented to appoint him, and the following year he was re-appointed by the same high authority for ten years. What opinion could Mr. Hastings, or the world, entertain but this—that neither the noble Lord nor the Directors believed one syllable of the information of Nundcomar; that they looked upon the whole to be a base and unfounded calumny, and therefore never called upon Mr. Hastings to answer it? Yet this is the mass of evidence which the Manager has been talking of for two days, and which he is so anxious to produce. What have been the proceedings since? Mr. Hastings returns to England; not a question is asked him as to Nundcomar's information; yet; as he never replies to what was never put to him, the Manager draws a strong presumption of his guilt. The House next takes up the business of Nundcomar, and has passed its decision upon it; yet after that decision the Manager affirms “that Mr. Hastings “ *murdered* Nundcomar through the hands of Sir Elijah Impey.”

These, Mr. Speaker, are the different points which I shall wish to substantiate by evidence. After having done that, I shall not presume to offer a motion to you, confident that the House will consult its own honour, and do Mr. Hastings justice

justice in the steps they mean to pursue. The real question, I hope, will not be lost in a separate discussion. The gentlemen opposite to me are perfectly at liberty to stile me the agent of Mr. Hastings, or to do what they please: I only stand up now because I have studied the subject. I think I can prove the truth of the allegations; but the measure to be taken I shall not presume to point out.

The *Master of the Rolls*, at the introduction of one passage in the speech of Major Scott, begged pardon for interrupting the honourable gentleman, but as he was complaining of an irregularity in another place, he ought to confine himself strictly to the statement in the petition. Whether the facts alleged were true or false, was not a question before that House. The honourable gentleman, in stating what the allegations were, should be extremely cautious, that he did not himself make any other charge against the right honourable Manager than that exhibited in the petition.

Mr. Fox conceived that it was proper to permit the honourable gentleman to go fully into the truth of the allegations of the petition, and not confine him to a naked statement of them. The petition pretended to accuse them (the Managers) of urging matters against the petitioner that were irrelevant, and, at the same time, it charged them with bringing knowingly spoken falsehoods. It was material, therefore, to them, that the truth of the facts should be made out. The honourable gentleman stated the petition as he conceived it to be; he (Mr. Fox) stated it according to what it was. The honourable gentleman stated it as if the petition had been what he wished it to be, and what it ought to have been, and he did this with the greater confidence, because he seemed to have the countenance and support of a Member of great weight in the House.

The *Master of the Rolls* said that the petition stated certain allegations, and requested such redress as the House should, in its wisdom, deem meet; and therefore certainly the object was, not whether those facts were true or not, but whether they were urged in their proper place.

Mr. Fox observed, that Mr. Hastings had so managed as to convert his accusers into defenders; and, under the word irrelevant, he brought against them the worst charge possible to be urged; the charge of having uttered falsities as at the Bar of the House of Lords.

The *Master of the Rolls* contended that this was nothing more than a plea of Not Guilty, accompanied with a protestation that the allegations were unfounded.

Mr. Bouverie now moved, "That the House adjourn."

Mr. Sumner said that he meant to have called evidence to prove the allegations of the petition.

Mr.
Sir

The

Marq. of Graham. The Marquis of *Graham* remarked, that it was his intention to have moved that the proof be confined to the last allegation, respecting Nundcomar ; the other allegations which related to what had passed last year, he thought, did not come fairly within the cognizance of the House.

Sir Joseph Mawbey. Sir *Joseph Mawbey* conceived that the best means of getting rid of the business, was by adjourning. The proper place to have noticed any irregularity, was in Westminster Hall, at the time when the irregularity (granting that irregularities arose) had taken place. It was common, in trials, for the parties themselves to rise and appeal to the Court, if any thing extraneous or improper was introduced. He was, therefore, astonished that Counsel, who were so able as those employed by Mr. Hastings, should not have interfered, if there had been any real occasion. Sir Joseph declared he was afraid that any precedent of the kind should be established, since it might, some time or other, weaken the dictatorial power of that House. He was one of those who had voted articles against Mr. Hastings, who was charged with having been guilty of oppression, speculation, and corruption ; those articles would stand recorded on the journals, and therefore, in his mind, the best way to avoid the making a dangerous precedent, would be to adjourn. He had a high respect for the honourable Major, but he did not stand on the same footing as other Members, in regard to Mr. Hastings, whose agent he notoriously was ; in every other respect, the honourable Major was as chaste and fair a character as any gentleman in the House. As to the right honourable Manager, (Mr. Burke) his remarks, without a doubt, went frequently beyond the wishes of his own friends, and he might, perhaps, have gone too far in the present instance, but he ought to have been called to order upon the spot.

Mr. Ford. Mr. *Ford* begged leave to remind the honourable Baronet, who had asserted, that in every court of justice in the kingdom, the proper application, whenever Counsel discover what appears irrelevant in the charge against their client, is an appeal to the Court, or else the Court of itself checks the Counsel for going beyond the regular rule of proceeding, that although his position was right, as far as it extended to the practice of common courts of justice, yet it lost all its validity under a reference to the mode pursued in the House of Lords. They had much greater powers than any other Court, and he should conceive, that if they had been appealed to, and they had reprimanded the Managers, the latter would have come down to that House, and complained that the House of Lords presumed to dictate the mode of proceeding, and had infringed the privileges of the House of Commons, by reprimanding the Members for conducting a prosecution in-

stituted

stituted by the House itself. Upon the cry of "No! no!" Mr. Ford declared, that he thought it would have been the duty of the Managers so to have acted. Another reason why the Counsel had not complained against the Managers was, they naturally were over-awed by their authority. He believed it was fresh in the recollection of every gentleman who heard him, that the Counsel did, on one occasion, object to a particular mode of proceeding in the right honourable gentleman then in his eye, and that this right honourable gentleman told them, that they spoke on the behalf of the House of Commons, and were cloathed with robes of Majesty, and were not to be addressed in that manner.

Mr. Fox declared, that it was not without astonishment Mr. Fox, that he perceived himself under the necessity of coming forward again, with a repetition of his assurance, that he found fault with the manner in which he had been interrupted, and not the matter of the objection. He was sure the good sense of the honourable gentleman who spoke last must see the difference. It was not because the Counsel for Mr. Hastings interrupted him, that he made any objection; he thought the interruption very proper; but when the Counsel accused him of calumny, he, in his turn, interrupted him. With regard to its being the duty of the Managers, if checked or reprimanded by the Lords, to come to that House and accuse the Lords of having infringed their privileges, he knew of no such duty. He carried, and ever had through life, carried his ideas of the privileges of the House of Commons as far as most Members, but the House of Lords were the undoubted masters of their own court, and governed themselves by known and established principles peculiar to themselves. The Managers on behalf of the Commons were, in his mind, as much bound to submit to the will of the Lords, when signified to them by the Lord Chancellor, as Counsel or Advocates were bound to obey the will of any Court of Justice, when they heard it from the Bench. The fact was, that it had more than once happened, in the course of the trial, that the Lords had checked the Managers, and prescribed rules of conduct to them. He concluded with repeating, that he had not objected to the interruption of him, as a matter wrong in itself, but merely to the words which the Counsel had used, declaring, that a Manager, on the part of the Commons, speaking by their instruction and authority, must not be termed a calumniator; and in so saying, he had been supported by the first authority in the Court, the Lord Chancellor having told the Counsel the same.

Mr. Sumner having expressed his wishes that the motion Mr. Sumner. had issued from a different quarter, remarked, that if the motion of adjournment had not been made, he should have

moved, that evidence be brought to the bar to prove the allegations.

Mr. Sam.
Smith.

Mr. *Samuel Smith* considered as groundless charges, all the facts complained of in the petition; and though he gave credit to the assertions of the right honourable gentleman opposite to him, (Mr. Montagu) that the words were not used by the right honourable Manager in Westminster Hall, yet it would go but a little way towards conviction, if it should turn out that the short-hand writer states that there they were used. In that case, it was necessary to have it understood, that the short-hand writer's notes were disavowed, and if so, he should be satisfied; but were he Mr. Hastings, he should not be satisfied. Mr. Smith lamented the absence of Mr. Burke, as they might, had he been present, have heard from him a declaration whether the words were used in Westminster Hall or not; a great part of what he had said in his opening, he considered as merely declamation. The great length of the Managers' speeches he regarded as one proof that the charges were ill founded. Had there been strong criminal facts to urge against Mr. Hastings, they must have been capable of being stated shorter; and thus, not only much time, but great expence, on all sides, would have been saved.

Mr. Fox.

Mr. *Fox* said, that he did not know what the short-hand writer had taken down; but he was sure, from his own recollection, that if he had taken the speech down accurately, his notes would not be found to contain what the petition stated, because the allegations of the petition were all false, that relative to Nundcomar excepted, and even that was neither fairly nor correctly stated.

Mr.
Mitford.

Mr. *Mitford* observed, that too much attention could not possibly be paid to the allegations of the petition, if they turned out to be true; if they were not true, the petition, and the person who presented it, merited the severest censure. The articles were full of the foulest criminal charges, and Mr Hastings was to be considered as a man who stood charged of those crimes. If he was guilty, Mr. Mitford declared he wished him to fall by the oppression of those crimes, and not by the weight of his accusers. Notwithstanding his profession, he had not lately been much acquainted with the proceedings of criminal courts, but prosecutions of the kind, he well knew, should be conducted so as to do honour to the House; and there were two things which ought to be strictly adhered to by the advocates who conducted them; first, never to bring forward a fact that was matter of calumny to the accused, or to enflame the passions of those who were to decide as judges. The House would recollect, that a Committee of the whole House, sometimes a larger, sometimes a smaller

smaller body, attended every day of the trial, to lend their countenance and support to the Managers. It behoved the latter, therefore, to be extremely delicate and guarded in what they stated. If they asserted a calumny, the Lords could not act with the same freedom that an ordinary court of justice, in such a case, could exercise. Every advocate at a bar who dared to advance what might affect the criminal's character, was amenable to the laws of his country. The Lords could only stop a Manager if he went into extraneous matter; they could not commit him, nor could he be punished. Mr. Hastings, therefore, very wisely, instead of appealing to the justice of the Lords, had made application to the candor of the House of Commons, which alone could afford him redress. If that House, therefore, suffered any thing to be done, which was contrary to that delicacy which ought to be preserved, it degraded itself and acted unjustly. It was extremely possible, that the right honourable Manager thought what he had said relevant; but, from his own explanation, it did not satisfy him; on the contrary, it convinced him, that the original evidence was not cognizable in a court of justice. Minutes of Council, they were told, would be read as evidence. They certainly were not evidence, nor could they be admitted as such. The question now was, not what the House could do, but whether the House should take the petition into consideration at all. It was, in his opinion, the duty of the House to examine whether the allegations were founded, and if so, to ascertain afterwards what was to be done to afford the petitioner adequate redress.

Mr. Fox conceived that they ought not only to use as much Mr. Fox's delicacy in the present, as in any other prosecution, but even much more; that not one word should be uttered tending to inflame the passions, if the honourable gentleman meant to inflame them against reason. He admitted the justice of the remark, in cases of life and death, but said it was not so in misdemeanors; in the agitation of misdemeanors, it would chiefly consist of much aggravation on the one side, and much extenuation on the other. If he accused a man of murder, he should avoid every thing to inflame the passions; it was a trial of a fact; the verdict, if proof be given of the fact, was guilty, and death the known punishment. In conducting a trial for a misdemeanor by impeachment, the Managers could not prosecute it like men, without adducing all in their power to inflame the passions and prove the enormity of the guilt. He thought it his duty to state that enormity in the strongest manner, but he should abuse the trust reposed in him by the House of Commons, if he said any thing which he could not and did not mean to prove, and which he did not, in his conscience, believe to be true. The truth of the

allegations was not now the question, but their relevancy. He thought it a question in which the House should place an extensive confidence in the Managers. It was, indeed, in that point in which they ought to repose the utmost confidence in them, as they were to judge what was relevant, and what was not; and this was what made their situation difficult; but difficult was a poor word to express it. It was a situation of uncommon difficulty. The House had appointed them Managers; they had said, "You must adduce
 " proofs, you must collect evidence, you must arrange and
 " bring it forward; we, who will not take the pains to do
 " it ourselves, instruct and authorize you to do it; but if
 " we think you exceed your powers, if we see you introduce
 " matters apparently irrelevant, before we have seen how
 " you mean to apply it, and can judge whether it is material
 " to the cause or not, we will disclaim it, and we will cen-
 " sure you." If any private man was to put another under such disabilities, there was no one who could be employed by any client whatever. They were bound not to use impossibilities, and yet impossibilities were expected at their hands. The honourable gentleman had cut them up by the roots. He had conjectured what their evidence was, and then said it would not be admissible. Let the honourable gentleman have the presumptive confidence in the House of Lords, to give them credit so far as to suppose they would take care that nothing was received as evidence but what was admissible. Let the evidence go unprejudiced before the House, and not be prejudged in that House before it was offered in Westminster Hall. Were they debating on the petition only? No, they were discussing the evidence of the House of Lords. Mr. Fox said, he saw clearly it must ultimately come to this short question, "Were they, or were
 " they not, fit for the confidence of that House?" If not, let the House appoint others. Those who uttered calumnies of Mr. Hastings abused their trust; and what did those do, who were defaming the Commons of Great Britain by making them parties to calumnies which they disclaimed? The Managers were in a strange situation, indeed! The trial of Mr. Hastings was necessary to be undertaken by those who were acquainted with the subject; the Managers had undertaken it, and when they were tracing him through all his iniquities, they were to be charged with having done so merely for the purpose of calumny, for the purpose of loading him unnecessarily with new accusations. He asked what would the nation suspect, when party differences bias that House, where the triumph had been in having despised being influenced by party differences, and now party differences were to triumph over the cause of public justice and national honour?

nour? He warned them that they were establishing a principle that would tend to render all trials by impeachment ineffectual, if, whenever the criminal found himself pinched, he might cause a diversion among his accusers, by making them accuse themselves. He had always maintained, that if they abused their trust, they ought to be severely censured; but was it the business of the House, to be told by the prisoner that they had done so? Should they be taught by the prisoner, whether those who had undertaken the prosecution, were competent to the task or not? Was it likely, that the Commons should be neglectful of their own honour? They attended, as the honourable gentleman had said, daily in different numbers in their Hall; it was their duty to observe and censure, if they saw occasion, but not to proceed on the charge of the accused. The whole of the proceedings was contrary to common sense and to precedent, and ruinous to public justice for ever. The petition stated many facts, but the only one relied on, was that relative to Nundcomar. Was the charge new? On the contrary, had not his right honourable friend stated it to the whole House, with an effect never to be forgotten, last year, when the decision of the House not to impeach Sir Elijah Impey was recent, and were they now to be told, that the House of Commons were of a contrary opinion, and that they had acquitted Sir Elijah Impey? He denied the fact. They had, by as small a majority as ever was known on a great question, resolved not, at that time, to impeach the Chief Justice, but was that an acquittal? So far from it, Sir Elijah was as liable to be impeached as ever, and the charge might be renewed the next day. If he were asked his private opinion on the death of Nundcomar, he should answer that he thought a murder, and what he would say in his private capacity, he would say in that House, or in Westminster Hall. It was his opinion, that Nundcomar was put to death for the basest of purposes. Mr. Hastings, he observed, in his petition, said, bring forward the facts as charges. He said so, not because he wished to have them brought forward, but because he dreaded them. There never was a prisoner who called upon his accusers to bring forward fresh charges against him. The only proper answer to give him was, "We will bring them forward when we think fit." Before the charges were summed up, he had called for more, as if he were, rather than the Managers, the proper judges when it was right to bring them forward. What, he asked, is the real injury done to Mr. Hastings, when they had declared they would prove what they had asserted? If it were not proved, his conduct was clear, and he would wait for proof; and if they did not bring proofs, Mr. Hastings would contend that they were irrelevant charges.

If

If they failed, he might then say, now it has come to the proof, and it is not proved. He complains of them, before he could shew any cause of complaint whatever; he feels himself pinched in that quarter, to which the charge last opened bears, and he resorts to the stratagem of accusing his accusers, to divert the storm. Does he wait till they bring forward proofs? No, he pre-supposes a victory before an engagement. Was it not a well-known rule, that the failure of an argument is an advantage to him against whom it is used, and if an argument thus failing, is not evidence, the same becomes a still greater advantage. It was impossible to suppose, that in a prosecution like that, they could proceed without the protection of the House, and triumph in the noble cause of justice over injustice. If a complaint against the Managers were to come properly, it would come by a Member of that House, who having been present at the time the words were spoken, had taken them down, and could authenticate them; it would then come in a manner worthy to be heard, and to be acted upon; but when it came from the friend and agent of Mr. Hastings, it was justly an object of suspicion. His right honourable friend did not appear single in respect to this complaint; there was not one of them, had he stood in the situation that the right honourable leader had done, who would not have thought it necessary to have made use of the same allegations. There was no difference of opinion, therefore, among those who had studied the cause; but between them who were employed by the House, and Mr. Hastings, the person accused. The presumptions, therefore, were all in their favour, and the proofs against Mr. Hastings. As long as they had an idea that there was a possibility of answering the end of public justice, they would abide by the prosecution. He therefore said, it was reasonable that they should be distinguished by that House favouring the cause of public justice. They had been for many years fighting against every political advantage, at a certainty making enemies every day, and risking the enmity of others. They had undertaken a difficult and dangerous task, and let it not be said, that they had brought it on themselves, because they had supplicated others of greater weight and authority, who professed to be friends to the prosecution, to assist them in the conduct of it, but they refused. He hoped the House would not put them into so awkward a dilemma, and that those who would not assist, would not obstruct. Let it be remembered, that there never was a prosecution by impeachment before, in which the Crown Lawyers were not the chief Managers. There had always been the Attorney and Solicitor General, the Master of the Rolls, or some of the other Crown Lawyers whom he
law

law opposite to him. If, therefore, these gentlemen would not assist, let them not impede; let them give fair play to their ill-sorted arguments, and if they had not time to aid, let them not find time to slur their proceedings; and to degrade their characters. It had been often said, when an Opposition found fault with the measures of Government, that it was not the measures but the men they objected to, and the reason was, they wished to govern themselves. He wished the same saying could be applied in the present instance, and that the Managers could observe, "You do not wish to find fault with the measures of the prosecutors, but to conduct the prosecution, and be the Managers yourselves." This standing joke against Opposition he had always thought a miserable argument, and that the reverse of it was more likely to be the fact. On the present occasion, he wished the House would shew them how they could act better as Managers; till then, they ought to agree to give them their confidence and support, or put an end to the prosecution at once. If the motion of adjournment should be rejected, he hoped that they would proceed to discuss the allegations, and to call evidence to prove them, when he had no doubt but they would turn out to have been falsely stated. Before he sat down, he must once more put the House in mind of Mr. Hastings having dared to come to that bar, read a defence, and after having taken credit to himself for the shortness of time in which he had been obliged to prepare it, had since deposed that the defence was not his, that he never wrote one word of it, that it was the production of his agent, and that he utterly disclaimed the whole. It was already sufficiently established that Mr. Hastings and his agent shewed a thorough contempt for all sense of adhering to truth. He declared that he would vote for the adjournment, because he should hope that some time hence the whole of the proceedings would be reprobated and expunged. He passed an encomium on the conduct of Mr. Burke, and said he had acted with great propriety throughout the business. He had given the House as much satisfaction as was necessary, and feeling the indignity of being called upon as a defendant, by the culprit whom he had been directed by that House to prosecute, he had refused to do more. He admired his right honourable friend's conduct that day, in being absent, not less than his general conduct. It was manly, consistent, and dignified.

Mr. Jekyll said, that he felt himself justified in taking the liberty to observe, that the arguments of the right honourable gentleman who spoke last were replete with fallacy and false reasoning. If ever there was an instance of a Manager's abusing his trust, and exceeding his instructions, it was in

Mr.
Jekyll.

quitting the specific article he was bound to support, and introducing new matter of criminal allegation. Had the right honourable gentleman not introduced a new charge, there could not have been such a petition as the present. Managers ought to conduct themselves with as much caution as an advocate did in an ordinary court of law; for, what were they, in fact, but advocates appointed to manage and conduct a prosecution carried on at the suit of that House? These, he thanked Heaven, were not days in which advocates might insult a prisoner, and hold any language to him with impunity. The conduct of advocates and courts had been pure and orderly, from the times in which Lord Strafford and Lord Macclesfield had been tried, down to the present hour. On the trial of Sir Walter Raleigh, indeed, the Court had acted so shamefully as to refuse protection to the prisoner; and when he appealed to them, on being called toad and viper of hell, the Lord Chief Justice Popham had said to the Attorney General, "Mr. Attorney speaketh out of zeal for his Highness the King, and you, Sir Walter, for your own life—be valiant on both sides." As one of the fallacies which Mr. Jekyll imputed to Mr. Fox, he stated the declaration, that a man in prosecuting one crime, might charge him with others, observing, that in the present case, a case of misdemeanor merely, the right honourable Manager who was absent had charged Mr. Hastings with the heinous crime of murder, in which all the accessaries were principals. Mr. Hastings had acted becomingly in his situation; he had presented a petition, drawn up with humility and modesty; and the dignity and honour of the House required, that they should examine evidence of the truth of the whole petition, and grant him full redress, should it appear well founded.

The House at length divided on the question of adjournment, when the numbers were,

Ayes, 97; Noes, 157. Majority against it, 60.

A motion was then made, "That Mr. Gurney, the shorthand writer, be called in to produce his notes."

Sir James Johnstone called upon the Chair, to know if there were any precedents for the proceeding proposed.

The
Speaker.

The *Speaker* answered, that he did not conceive it fell within the scope of his duty to state, whether there were any precedents or not.

Sir James
Johnstone.

Sir James Johnstone replied, "Then I am to understand there are not any."

Mr. Fox.

Mr. Fox thought the question extremely proper, and that if there were no precedents to afford a rule to go by, they ought to proceed with very great caution in the establishment of a precedent which might endanger their privileges. He owned

owned he did not admire the examination of the short-hand writer; it was, he believed, the first instance of such a witness being examined, to prove words spoken by a Member of that House in his senatorial capacity. The common evidence was that of a Member who took down the words at the time, and could state, in his place, that he was present when Mr. Burke said so and so. If it once was admitted, that words uttered by a Member were to be selected for censure, on the complaint of a person who was not a Member, and that a third person, who was also not a Member, nor connected with that House, was to give evidence of those words, it was contrary to all the privileges of the House.

The Marquis of *Graham*, having observed that he should prefer the answering the ends of natural justice to all precedent whatever, added, that if no person but a Member of Parliament could give evidence of the words complained of, that House could not afford redress in a case of grievous injustice. Most undoubtedly, the words spoken in that House could only be proved by a Member who took down the words at the time, but the words complained of were words uttered in an open court of justice, where any person might have heard them, and where the distinction of the right honourable gentleman and the necessity for a Member's taking them down, in his mind, did not apply. In fact, any indifferent individual who heard them, might be as good a witness of their having been spoken, as a Member of that House. Marq. of Graham.

Sir *James Johnstone* adduced as a precedent the circumstance that, on the trial of Lord Lovat, Mr. Murray attempted to accuse three other persons, a Welch Baronet, an Irish Lord, an Highland Chieftain, (Macleod) all Members of that House, of high treason, when Lord Talbot stopped him, and told him he was not to accuse them, but to confine his argument and proofs to Lord Lovat. Mr. Murray's answer was, that he was instructed to charge the three Members also. Sir James explained that the Highland Chieftain, Macleod, had made his peace, and had, in time, joined the King's army with all his men. Sir James said, by all means let the Managers go on, and do their duty, without, in an unprecedented manner, proceeding to impede and check their career. Sir James Johnstone

Mr. *Adam* contended, that the form of their proceedings was of so much consequence to the constitution of this country, and the measures which they were hastily about to adopt, struck so directly at the foundation of the inquisitorial powers of that House, that he conjured them to be cautious, before they rashly took a single step which might endanger the very existence of their inquisitorial capacity. The noble Marquis had stated, that the court of Westminster Hall was an

Mr.
Adam.

open court, and not that House: it certainly was a court of justice, but it was extremely different, in a variety of respects, from ordinary courts of justice. The propriety of withdrawing the motion, and moving for a Committee to examine precedents, was, in his opinion, too obvious to need enforcing by any argument whatever.

Mr. Sam. Smith. *Mr. Samuel Smith* remarked, that upon every ground, *Mr. Hastings*, although not a Member of that House, had unanswerable claims to its protection. If, therefore, it should be thought improper to call *Mr. Hastings* to the bar, and tell him to produce his proofs of the allegations of his petition, the best evidence would be that of the short-hand writer. It mattered not, in his mind, whether there were precedents or not. If there were not any, a precedent must be made, and justice done to the petitioner. *Mr. Hastings*, had he been a Member, might have taken down the words, and complained to the House; not being a Member, he had made the application, which was becoming and proper.

Sir Grey Cooper. *Sir Grey Cooper* implored the House to pause a moment, before they called in the short-hand writer, and to use some share of caution; if they proceeded otherwise, they would put in peril the exercise of the privilege of impeachment. He reminded them of the liberal manner in which it was usual to proceed, when a Member was called to order while on his legs, and his words moved to be taken down; an opportunity was in such cases always afforded him to recollect himself, and explain his words, which was generally done to the satisfaction of the House. He instanced the case of the late Alderman Beckford, who had been called to order by *Mr. Grenville*. With regard to precedent, he stated that of the conference with the Lords, when the impeachment of the Marquis of Halifax and Lord Somers was in agitation. Lord Haversham used words at the conference which gave offence to the Committee from the Commons, and though he persisted, and desired to be heard out, the Commons broke up the conference, and came back to their House, and complained of the words of Lord Haversham, who explained his meaning. *Sir Grey* advised the appointment of a Committee to examine precedents, as a precaution highly necessary, a neglect of which the House might possibly hereafter have reason to lament.

Mr. Rolle. *Mr. Rolle* observed, that the right honourable Manager had every opportunity afforded him of explaining his words, but so far from doing so, he had admitted that he spoke them, and had justified them.

Sir Grey Cooper said, the right honourable gentleman had no opportunity at the moment.

Colonel *Phipps* denied that the precedent cited by the honourable Baronet was at all in point : that was a parliamentary proceeding altogether, this judicial. Colonel Phipps.

Mr. *Fox* remarked, that Mr. Gurney was the short-hand writer for the Managers; and Mr. Hastings had another short hand writer. Mr. Hastings and the House were the parties interested. Was there no short-hand writer who took down the speeches for the Managers, &c. for the Lords? If there was a short-hand writer to the Court, who could have no interest either one way or the other, and must necessarily be most impartial, he was the properest person to refer to as a witness. Mr. Fox.

Sir *William Younge* trusted that it was unnecessary for him to insist that the immutable principles of justice themselves ought to be abided by, and that the House should be governed by higher and better motives than had distinguished themselves in the course of the debate. That House was the inquisitorial power, and the ground he rose on, was to preserve the dignity of the House of Commons, and not to look to precedents that might mislead them. Sir Wm. Younge.

Sir *James Johnstone* mentioned the custom, coolly and deliberately to take down the words of a Member, when they gave offence. Sir James spoke of the possibility of misrepresentation, declaring, that the Chancellor of the Exchequer had in his time been misrepresented; the honourable Managers had been all misrepresented; and even he had been misrepresented. Sir James Johnstone.

Mr. *Adam* said, that after the disposition lately shewn by the right honourable gentleman, to walk precisely by precedent, the other side, he should suppose, could have no objection to their examining whether there were any precedents or not, and therefore he should move the previous question. Mr. Adam.

As soon as the Speaker had stated it,

Mr. Chancellor *Pitt* remarked, that it was only with respect to time that, in his opinion, the question could be regarded as important; and that as to the words respecting Nundcomar, which was the only allegation of the petition which he thought intitled to the consideration of the House; those words had been confessed to have been spoken by the right honourable gentleman himself, and therefore they were relieved from any anxiety respecting the truth of the allegation. There only remained for them to have, for the sake of form and the regularity of their proceedings, some sort of parliamentary documents before them to ground those proceedings upon, and in the nature of things it was impossible but that they should be able to come at some proof of the fact alledged and complained of. It appeared to him, that they run no risque in referring to the short-hand writer, who Mr. Pitt.

having no interest in the matter, must be considered as an impartial witness, and capable of giving the testimony most to be relied on. The only point clear to him was, that an allegation had been made by one of the Managers of the prosecution, which did not appear to grow out of the charge, and that the allegation in question consisted in words affording a charge highly injurious to Mr. Hastings, and wholly unauthorized by that House. That question he should be ready to meet, and to maintain it, whenever the proper time for discussing it should come. But so far was he from agreeing that the present proceedings were rashly and inconsiderately taken up, or that they tended in any degree to endanger the privileges of the House of Commons, that he conceived they were necessary towards preserving those privileges which ought not to be suffered to be abused; by carrying them to an unreasonable and unjustifiable extent. With regard to the argument respecting precedents, he, for one, was always glad to go by precedent, when there were precedents either immediately in point, or bearing a strong analogy to the case, whatever it might be, that should at the time be under consideration; but he should never agree, that where there was no precedent, and the case was of sufficient importance to be intitled to the attention of the House, the House ought not to point out the mode of treating it.

Mr. Fox. Mr. Fox said, that he need not feel any hesitation in positively asserting that his right honourable friend had never admitted that he had spoken the words respecting Nundcomar, as they were set forth in the petition; and it was extremely material to mark the difference, because there might be Members of that House who might think his right honourable friend highly blameable if he had said what the petition stated, and not blameable if he only said what he declared he had said. Whether his right honourable friend had spoken the words as he conceived him to have spoken them, or as the petition set forth, in either case they afforded ground for the declaration of the right honourable gentleman's argument, but that was the right honourable gentleman's private opinion only. The right honourable gentleman had declared he should be ready to meet the question, when it came before him; he declared, on his part, that he should be ready to meet it likewise, and to maintain that it might be necessary, in the prosecution of a small crime, to prove it by alledging a greater, and that point, when proper, he would contest with the right honourable gentleman, and he was sure he should have all the law on his side. With regard to Mr. Hastings complaining of the words, as words conveying a calumny, he would ever labour under some calumny, if the trial proceeded. With respect to the delay which appointing
a Com-

Committee to search for precedents would occasion, he was sorry for it; but let it not be denied, that this was a matter of great importance, and the sooner it was gone through, the better. All the delay that had happened he lamented; but it had arisen from various extraordinary causes. The great events of this year had swept almost away every thing else from memory; they, and they only, had, as it were, occupied the imagination of every man. He, for one, thought Mr. Hastings's trial a business, on which the character of this country depended. The eyes of all Europe were upon them, and it was a matter which depended not on a division one day, or on a majority another; but on the consistency, steadiness, and honour of the Commons of England.

The *Attorney General* remarked, that he did not mean to enter into the merits of the petition; but if the fact were that an honourable Manager had gone out of the charge, and alleged a crime against Mr. Hastings, which that House had not made a part of the articles sent by them up to the House of Lords, it behoved that House to disclaim such allegation as an abuse of criminal justice. With regard to the examination of the short-hand writer's notes, the short-hand writer for the Committee of Managers was, in fact, the short-hand writer of the House, and therefore they were at perfect liberty to call him before them, and refer to his notes whenever they thought proper, whereas the short-hand writer for the House of Lords not being at the control of the House of Commons, could not permit them to see his notes, unless they first obtained leave for him so to do from the House of Lords.

The previous question was put and carried.

Mr. Adam then drew a motion, "That a Committee be appointed to search for precedents," which being read from the chair,

Sir *William Younge* observed; that with regard to the honourable gentleman who brought in the petition, he had not the honour of knowing him, but he thought it an ill-judged petition. With respect to a Committee to search for precedents, he must object to any such Committee being appointed. He desired gentlemen to think of the times in which those precedents existed, and the distractions and confusions that distinguished them. A Governor of one of the largest provinces belonging to the British Crown, was at the bar of the House of Lords. They had deprived him of his political character, they had attacked him with respect to his conduct to women, and imputed facts to him that would disgrace the lowest individual. All they had left him was, the claim to a due administration of justice, and they had now infringed that. He would not consent, therefore, to waste time in idly

idly searching for precedents; but if he were the single man to give a negative to the question, he would take the sense of the House upon this occasion.

The House divided, Ayes, - 102.—Noes, - 17

The Committee were then named, and the House adjourned.

Monday, 4th May, 1789.

It was ordered that the Marquis of Graham do make the report from the Committee who were appointed to inspect precedents, and to report to the House what evidence has been received, by the House, respecting any complaint of expressions or words used on the trial of any impeachment, by any Members of this House employed to manage such impeachment.

The Marquis of Graham accordingly reported from the said Committee, that the Committee had examined the matter to them referred, and had directed a report to be made to the House; and he read the report in his place, and afterwards delivered it in at the table, where the same was read.

It was ordered that the said report do lie upon the table.

Mr. Sumner moved the reading of the order of the day, for the further consideration of the petition of Mr. Hastings.

The order of the day having been read accordingly,

Mr. Sumner again rose and moved,

“ That William Gurney, one of the short-hand writers
“ appointed to take minutes at the trial of Warren Hastings,
“ Esquire, be called in and examined, touching the allega-
“ tions contained in the petition.”

Mr.
Francis.

Mr. *Francis* desired to be informed in what manner the gentlemen on the opposite side of the House meant to proceed in the examination; whether to the whole of the allegations, or to that part of the petition complaining of words used relative to Nundcomar?

Mr.
Sumner.

Mr. *Sumner* answered that his object was to have the evidence gone into on the whole of the allegations; he would not, however, press the House to enter upon an examination further than to substantiate the allegation of the words relative to the death of Nundcomar.

Mr. Ad-
dington.

Mr. *Addington* contended that it was needless to go into that part of the petition which complained of words used in the course of the last year: For the purpose of confining the examination to the allegation of improper words having been used relative to Nundcomar, he moved, as an amendment, to omit the words of the original motion from ‘the’ to the end, and to insert the words, ‘Words complained of in the petition, relative to Nundcomar.’

Sir

Sir *James Johnstone* urged the propriety of confining the inquiry to the words used by Mr. Burke, and Mr. Burke only. Sir James Johnstone

Mr. *Sheridan* remarked that all partial examinations of the petition were improper, the House had, for the purpose of granting justice to Mr. Hastings, received, and agreed to take into their consideration the petition; he hoped, therefore, that they would not be so unjust to his right honourable friend (Mr. Burke) as to refuse to take the whole of the petition into their consideration, that he might have an opportunity of meeting and refuting the charges which it contained. If the House proceeded upon the principle which they had avowed to proceed upon in their reception of the petition, the principle of doing justice to Mr. Hastings, what right had they to garble his grievances, and to say, "This we will, and this we will not consider?" If they considered any, they were bound to consider the whole. The mode proposed by the amendment might possibly be thought a more handy way of passing a slur upon the Managers of the prosecution; but it was a mode which he sincerely hoped that the House would not adopt. Mr. Sheridan

Mr. *Addington* conceived that it was unnecessary, upon any account, either for the satisfaction of Mr. Burke or Mr. Hastings, to have the former part of the petition considered. If it was not taken notice of by the House, no slur could be supposed to fall on Mr. Burke; for, in consequence of the House not noticing that part of the petition, it fell of course to the ground. Mr. Addington.

Major *Scott* considered an examination into the whole of the petition as absolutely necessary. Maj. Scott

Mr. *Fox* trusted that the House would not lose sight of the principle upon which they acted in receiving the petition, which was, that no man should experience an injury, without being enabled to call for redress in some place. On that principle, though he thought it was overstrained in this instance, the House had taken into their hands to redress Mr. Hastings, because, they say, he could obtain redress no where else. That principle, if continued, and in justice, if extended to one, ought also to be extended to another; the House ought to examine into the allegations of the whole petition, that what might appear falsely stated by Mr. Hastings of his right honourable friend (Mr. Burke) might be met and refuted; for, if the allegations were false, and that House refused to grant his right honourable friend redress, where was it to be obtained? It would not be obtained in any of the courts below, nor at the bar of the Lords, the consequence of which would be, that his right honourable friend (Mr. Burke) would be refused that justice and redress which was granted

granted to Mr. Hastings. The honourable gentleman (Mr. Addington) had said, that if the first allegations in the petition of Mr. Hastings were not taken notice of by the House, they would consequently fall to the ground, and the right honourable Manager stand fully absolved. Would not the same argument hold directly good with Mr. Hastings? If it were likewise true that the right honourable Manager would stand absolved in consequence of Mr. Hastings's allegations not being taken notice of, the same argument would apply in favour of Mr. Hastings, who would upon the same ground stand acquitted by the Lords of the allegations of the right honourable Manager, if they were suffered to remain unnoticed.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that if he saw the matter in its true light, it was evident that the right honourable Manager (Mr. Burke) would stand fully cleared of any imputation on any part of the petition which the House thought proper so far to slight, as not to think meriting their consideration, and under that description he considered to come all the allegations of the petition respecting words charged to have been improperly used in the course of the last year, by which if Mr. Hastings had felt himself injured, he ought to have made an immediate complaint; he had, however, complained as soon as possible of the words relative to the death of Nundcomar, and to that point, he was of opinion, the House ought to proceed in their examination. He differed much from the right honourable gentleman (Mr. Fox) in his observations on what had fallen from his honourable friend behind him (Mr. Addington.) The comparison of the allegations of the right honourable gentleman (Mr. Burke) against Mr. Hastings) and those of Mr. Hastings against the right honourable gentleman, he was of opinion could be supported by no man, until he was prepared to say that an allegation advanced in a petition to that House, from an individual, complaining of the conduct of the Managers of a prosecution of the House, carried the same weight with it as a charge made by the Managers against an individual at the bar of the House of Lords, by Managers clothed, as they frequently declared, with the robes of Magistracy, and the whole powers of the House of Commons, and whose dignity would not suffer them to be spoken of as calumniators. No man, he was certain, would venture to make such an assertion. Would any gentleman then assert, that the same redress was granted to Mr. Hastings, by the Lords saying, "Here is a heavy and an enormous charge against you, which we cannot go into at present," as would be granted to the right honourable Manager (Mr. Burke) by the allegations contained in the first part of the petition lying on the table neglected

neglected by the House, and not deemed by them worthy their consideration? There was, in his opinion, and he believed in the opinion of all impartial men, not the least analogy in the two cases. He could not avoid remarking on the different conduct of the gentlemen on the opposite side, to that which they adopted on a former day; they were before wholly of opinion that the petition ought not to be considered at all, and now they objected to the examination being confined to one point, and were desirous to go into the whole; but they could not vote for the examination of the whole, without flying from their former ground, while the gentlemen who with him were of opinion that the part relating to Nundcomar ought to be proceeded on, would act consistently by refusing to examine the other allegations, which they might conceive to be unnecessary. The gentlemen on the other side of the House also objected to the going into the petition at all, on account of the delay which it would occasion to the proceedings of the Managers; they now, however, when his friends wished to confine the petition to one point, which would not cause much delay, objected strenuously to that, and proposed a general examination into the whole of the petition, which relating to many circumstances of history, and to words which had passed a twelvemonth ago, would require much more proof, and occasion an hundred times the delay, which would arise from the present proposal of confining it to the single point of the words used relative to the affair of Nundcomar.

Mr. Fox begged leave to assure the right honourable gentleman, that when he contended that the whole of the petition ought to be gone into, he did not abandon the ground he had before gone upon, which was, that the petition ought not to have been taken into the consideration of the House at all; the House had decided contrary to his opinion; it was not his duty to contend against their decision; it was therefore upon the ground of the House of Commons, and not upon his own ground, that he contended for the petition to be considered, not partially but altogether. Mr. Fox.

Mr. Wyndham observed that, thoroughly convinced of the justice of the reasoning of his right honourable friend (Mr. Fox) he felt himself well grounded in declaring that if the House agreed to the amendment, they would act inconsistently with the principle on which they set out. The allegations contained in the petition went to a complaint against the whole of the Managers; why then were they not all to be gone into? For what purpose was his right honourable friend (Mr. Burke) to be singled out from the herd to be censured, which appeared to him to be the evident intention, by confining the examination of the petition to the words which

Mr.
Wynd-
ham.

his right honourable friend had used. The injury occasioned by those words, if an injury, had been done full ten months ago, before a numerous audience; why was it not complained of at that moment? why was it delayed to the present time? It was, in his opinion, equally undeserving the attention of the House with any of the other allegations; but, as the House had resolved to consider the petition, he wished them to consider the whole, and not partially.

Mr. Pitt. Mr. Chancellor *Pitt* said, that in answer to the declaration of the honourable gentleman who spoke last, that the proceeding upon the words relative to Nundcomar was solely for the purpose of singling out a right honourable Manager for exclusive censure, he need only remark, that it could not be, according to the repeated assertions of the gentlemen on the opposition side, for any such purpose; for they had invariably and constantly asserted, that what the right honourable Manager (Mr. Burke) had advanced on that subject, was asserted by others before, and that though the right honourable Manager might be principally concerned in the other allegation, he was far from being exclusively so in the present.

The question was then put on the amendment; and the House immediately dividing; there appeared for the amendment,

Ayes, 159; Noes, 69. Majority, 90.

Mr. Gurney being then called in, and appearing at the bar,

Major Scott asked him, whether he had taken notes on the trial of Warren Hastings, Esquire?

Mr. Gurney answered, he had.

Major Scott next asked him, whether he had those notes about him which he had taken when Mr. Burke was speaking of Nundcomar?

Mr. Gurney answered, he had.

Major Scott next desired the witness to be asked to produce them?

Sir Gilbert Elliot desired that the witness might withdraw; and Mr. Gurney having immediately withdrawn,

Sir Gilbert Elliot. Sir *Gilbert Elliot* objected to that partial extract of the speech being delivered, which could not, he said, be judged of, when separated from the context: the whole speech, he added, if any, ought to be delivered in.

Mr. Bearcroft. Mr. *Bearcroft* contended, that it would be certainly proper evidence to ask, if particular words were used or not; in answer to such question, the witness would undoubtedly have a right to consult his notes, to refresh his memory; he never heard, in any court, a requisition to a witness to deliver up his notes; if any party were not satisfied with the evidence

ence delivered, they would be at liberty to get farther information by cross examination.

Major Scott said he would, if agreeable to the House, mention the particular words to the witness, and ask him whether they were used by Mr. Burke?

Mr. Adam considering the present mode of examination to be, in a great degree, analogous to an answer in the Court of Chancery, was, consequently, for the whole speech being produced, as it was impossible otherwise fairly to decide upon my part. His right honourable friend (Mr. Burke) had used the words complained of in the course of opening the charge on presents; in opening the charge, it required a variety of statement; to prove the part of the charge relating to the Munny Begum, it was necessary to introduce Nundcomar, who had been a witness to much of that transaction; to prove the words, therefore, used by the right honourable Manager in making that statement, it would at least be necessary to have the whole of that part of his speech which related to the Munny Begum, and which might lead to a very different construction of the words complained of, than which at present without their context they seemed to bear.

The Attorney General said, that he was ready to admit, with the honourable gentleman (Mr. Adam) that the present proceeding might in some measure be considered as analogous to an answer in a Court of Chancery, where the party which was to prove words, called for such as they thought necessary for such proof: the other party, if they were dissatisfied, might call for any passage they thought fit, to throw light upon any part which they conceived might bear a different meaning. He could not, however, see any reasonable objection to the examination proposed of Mr. Gurney; for, as he was employed by that House to take notes of the proceedings on the trial, the notes were the property of the House, and he might be considered as a Committee clerk; as his notes were not so intelligible to Members as the notes of a Committee clerk, there would certainly be no objection to his being examined, with liberty to refresh his memory by a reference to his notes.

Mr. Adam recommended the whole to be laid before them, that each party might be enabled to judge fully and fairly. He contended, that until such time as the whole part of the speech relative to Nundcomar was laid before the House, it would be impossible for them to proceed to an impartial decision.

Mr. Bearcroft proposed, first, to let the party complaining lay his finger on the words complained of in the allegation of the petition, and let evidence be brought to that point; when that was concluded, let the other party cross examine, and

Mr.
Bearcroft.

and bring what evidence they thought proper for an explanation.

Mr. Fox. Mr. *Fox* acknowledged himself incompetent to decide which was the proper mode of procedure, when two such great and high authorities (Mr. Bearcroft and the Attorney General) were in the most direct contradiction to each other, the former saying that the right course would be to examine the short-hand writer as a common witness at the bar, while the latter was of opinion that Mr. Gurney's notes were the property of the House, and that he might be considered as a clerk of the Committee. If the latter gentleman's opinion was right, the former's must consequently be wrong; for if the notes were the property of the House, and Mr. Gurney might be considered as a Committee clerk, the House ought to order the whole of the minutes to be laid before them. The honourable and learned gentleman had said they were unintelligible; let them be translated, and let them come before the House in the same manner as the examinations taken before a Committee. The House could not, with any propriety, proceed until they came to a marked course. He would not presume to say which of the honourable and learned gentlemen were right; but were he to chuse that mode which appeared to him least exceptionable, he should chuse the notes to be delivered in, rather than the examination of Mr. Gurney; for, the present being a new case, of proving the words of a member spoken in his senatorial capacity, by a person not a Member, the difficulty with respect to their privileges would in a certain degree be avoided, by calling for Mr. Gurney's minutes, and considering him as a Committee clerk.

Mr. Pitt. Mr. Chancellor *Pitt* declared that, for his own part, he was at a loss to discover any contradiction in the arguments of his two honourable and learned friends, the one saying Mr. Gurney might be examined as an auditor, and suffered to refer to his notes, and that he might be cross examined to elucidate; the other saying that the notes being taken for the House, were the property of that House; that as they were unintelligible to most gentlemen, Mr. Gurney might be examined, and suffered to refer to them; but in so saying, his honourable and learned friend did not mean to consider the note-taker's minutes to be precisely like the examination taken before a Committee, nor could any man suppose it was so meant, the notes taken in the House, or in a Committee, being under the inspection of the Speaker, or Chairman, aided by the House. He conceived they were debating upon a point already decided by the House, namely, that Mr. Gurney should be called and examined on the allegation relating to words used concerning the death of Nundcomar.

Mr.

Mr. Fox agreed that the House had decided that Mr. Gurney was to be examined relative to the words made use of concerning the death of Nundcomar; they had not, however, decided in what capacity he was to be examined, whether as an auditor, or as a Committee clerk, and both ways had been mentioned as right by the learned gentlemen on the opposite side of the House.

The question being then put, "That Mr. Gurney be called in," it was agreed to, and Mr. Gurney being come to the bar,

Major Scott asked him the following question: "Did you hear Mr. Burke say, before the Lords, that 'He murdered that man by the hands of Sir Elijah Impey,' or words to that effect?"

Mr. Gurney answered, "I remember words to that effect."

The Speaker having desired him to look to his notes, he immediately read the following words of Mr. Burke: "For he murdered that man by the hands of Sir Elijah Impey."

Major Scott next asked him, Was it in an audible voice, and addressed to the Lords?

Mr. Gurney answered, Yes.

Major Scott asked, Who, in your opinion, did Mr. Burke mean by the words "he," and "that man?"

Mr. Harrison moved, "That the witness withdraw."

Mr. Gurney being withdrawn,

Mr. Harrison objected to the last question as exceedingly improper and extraordinary to be put, and would never agree to a stranger being asked his opinion of the meaning of a Member's words. Mr. Harrison.

Major Scott submitting to withdraw the question, Mr. Gurney was again called in.

Mr. Burges asked him, What were the words in the same sentence, immediately preceding the words you have just mentioned?

Mr. Gurney answered, "There is an action more odious than the act he attempts to cover." He, &c.

Mr. Burges. What were the words immediately preceding, tending to prove, in your opinion, what Mr. Burke meant by the word "he?"

Mr Gurney underwent a long examination, which was attended with much desultory debate, in which Mr. Fox, Mr. Burges, Mr. Bearcroft, Sir Grey Cooper, Mr. Dudley Ryder, Mr. Chancellor Pitt, Mr. Rolle, Mr. Vanfittart, and other gentlemen took part.

A long passage of Mr. Burke's speech immediately leading to, and following the words complained of, was read.

As

As soon as Mr. Fox had finished examining Mr. Gurney,

Marq. of
Graham.

The Marquis of *Graham* explained the grounds on which he thought it incumbent on him to make a motion concerning the subject which had lately occupied so much of the attention of the House. The Marquis thought that the Managers could not have been warranted in bringing forward the charge of Mr. Hastings being concerned in what had been termed the murder of Nundcomar, unless they had done it, not collaterally, but as a specific charge, capable of investigation and defence. Mr. Hastings was under the prosecution of that House, and in a situation which entitled him to every protection they could possibly extend to him. It had been exceedingly well said by an honourable and learned gentleman in the debate of Friday, that Mr. Hastings ought not to be weighed down by the weight of his accusers, but by the weight and consequence of his crimes. No charge, therefore, ought to be preferred against him, which could not be proved at the bar of the House of Lords. The Marquis assured gentlemen on the other side, that he meant nothing personal in his motion, and that he should be extremely unhappy if it should have the fatal effect of putting an end to a prosecution in which the honour and character of that House were deeply engaged. If, therefore, the impeachment were not carried forward, he for one should be extremely sorry, because he was convinced it would leave an indelible stain on the character of that House, and on the people of England. He now moved, "That no direction or authority was given by this House to the Committee appointed to manage the impeachment against Warren Hastings, Esq. to make any charge or allegation against the said Warren Hastings, Esq. respecting the condemnation or execution of Nundcomar."

Colonel Phipps seconded the motion. It was then read from the Chair.

Mr.
Sheridan.

Mr. *Sheridan* asked if that was the only measure intended to be brought forward, or whether it was to be followed up by any other resolution?

Marq. of
Graham.

The Marquis of *Graham* answered, that at present he knew not of any other intended resolution.

Mr. Fox.

Mr. *Fox* observed, that granting this to be the case, he for one saw no objection to it, and should not trouble the House with any arguments against it, since subsequently to the passing of the motion, it would prove fully competent for his right honourable friend (Mr. Burke) or any other Manager, to repeat the same expressions.

Mr. Pitt.

Mr. Chancellor *Pitt* having premised that it gave him great satisfaction to discover that the motion was not likely

to meet with opposition, expressed his earnest hopes that it would convince the right honourable gentleman how prematurely he had argued, at the beginning of the debate, in imagining that any person would have endeavoured to have drawn other consequences from the petition of Mr. Hastings, than those to which it naturally pointed. He was glad to find that it met with the right honourable gentleman's acquiescence, and that they were likely to act, as they ought to do in all matters of public justice, unanimously. The injury done to Mr. Hastings consisted in his being charged with a crime judicially before a judicial court. There were very strong grounds of complaint, undoubtedly, in such a circumstance, and complaint having been made to that House, it was incumbent on them to take some measure, for the sake of satisfying the injured party. Two modes of conduct were open to them; they should either prefer that charge in such a shape as might enable Mr. Hastings to meet it fairly, and defend himself against it, or they should let it be understood that such a charge had not been authorized by them. He declared, he did not wish to go farther in throwing any censure on him who had made the charge, than for the purpose of doing that justice to Mr. Hastings which he thought he had a title to claim. And though, upon this occasion, it gave him great satisfaction to have heard the right honourable gentleman declare the motion had his acquiescence, yet he must observe, that he felt no small degree of regret to hear the right honourable gentleman declare that, after this motion, it would be fully competent to him to repeat the words, the speaking of which had occasioned the House so much trouble. He wished not, however, to say any thing that should pique or provoke the right honourable gentleman to make the experiment; but he owned that his regret was mixed with much hope, that, upon calm reflection, the right honourable gentleman would see the impropriety of attempting any such conduct. Indeed, when he considered the good sense and good temper of the right honourable gentleman over the way, when he considered his judgement, and his thorough knowledge of what was due to his own dignity as a Manager, he could not avoid concluding that a similar declaration would not hereafter issue from the lips of the right honourable gentleman, or any of the Managers.

Mr. Fox begged leave to have it understood, that the reason why he acquiesced in the motion was, because it implied no censure on his right honourable friend, and because he could not take this declaration of the House for any proof that it was wrong, according to the opinion of the House, in his right honourable friend to have introduced the words relative to the murder of Nundcomar. There was not one word

word in the resolution which implied that his right honourable friend ought not to have made the charge in the way he did. Mr. Fox entering into a distinction between a murder technically so called, and a murder morally and substantially considered, desired to recal to the minds of gentlemen, that last year an honourable Baronet (Sir Gilbert Elliot) brought forward the business of Sir Elijah Impey, and accused him of a legal murder. He had himself, Mr. Fox declared, said it after that honourable Baronet, and neither of them met with any censure. And why? Because neither of them talked of a murder in the technical sense of the word, but as a misdemeanor. His right honourable friend brought no charge of murder, as a direct charge of murder, but in the course of opening another charge, he introduced the imputation, in order to prove, that if Nundcomar's evidence was attempted to be discredited, he should bring forward facts which would shew, that those who attempted to discredit Nundcomar, had acted basely, and deserved discredit themselves. Adverting to what had fallen from the Attorney General on the preceding Friday, he observed, that the honourable and learned Member had made a declaration relative to the eyes of all Europe being upon us, and that a stain had been cast on the criminal justice of the country. It would be disgraceful to the honourable and learned gentleman's character, if, after such a declaration, he did not come forward with a motion to remove the Managers that night. With regard to the latter part of the right honourable gentleman's speech, he did not clearly comprehend it. The right honourable gentleman was pleased to talk of his good sense and good temper; he was always proud of the right honourable gentleman's praise; but he really knew not what it meant. If it meant that the present motion were an indirect censure upon the Managers, and that it was intended to restrain the Managers from carrying on the prosecution in the manner which, in their judgement, was not likely to insure success, then it must put an end to the trial. If they were to look upon it as a declaration that they were to go on with the trial, but that it was as much as to say, "Take heed, gentlemen, you speak at your peril, and if you allude to the execution of Nundcomar, we will censure you;" if it meant that, he must say, that the present Managers were not men for such treatment. They considered themselves as being warranted to proceed to the best of their judgements, always subject to the opinion of that House. They had flattered themselves, that there was some feeling and generosity in the House; they flattered themselves that they had the confidence of the House; they flattered themselves that if they did not deserve the confidence of the House, they should not be

be suffered to stand in the despicable situation of having the prosecution in their hands, without the confidence of the House. If they did not merit the confidence of the House, he trusted that they should be fairly and distinctly told so; and they were not to consult how far their conduct might or might not displease the right honourable gentleman who spoke last. Let gentlemen think how the House stood composed, of three different descriptions of persons; of the warm and zealous friends of the prosecution, of the enemies of the prosecution, and of those who professed to be friends of the prosecution, but who, lending their weight to the enemies of the prosecution, made their scale preponderate. Would not this latter fairly shew that the Judges were not the friends but the enemies of the prosecution; and while this were so, it must be evident that the enemies to the prosecution must prevail. In respect to the future progress of the prosecution, the Managers must act to the best of their judgement. Was the motion meant as a censure, or was it not? Let gentlemen speak out fairly. If it was, they should know what conduct they ought to follow. He knew the opinion of the right honourable gentleman over the way on the charge relative to Cheyt Sing, to be different from his; notwithstanding which, he delivered his own opinion at the bar of the House of Lords, and not that of the right honourable gentleman. If in summing up the present charge, he should feel it proper to say, that the execution of Nundcomar appeared to him to be a murder, he would contend farther, that in accusing a man of one misdemeanor, which he attempted to remove, he might support it by another. Mr. Fox illustrated this point, by the case of a captain of a ship, against whom murder was charged, on account of his having thrown his slaves overboard, in order, by that charge, to defeat the owners' claim of insurance. He declared that he saw no principle of law, reason, or justice, why he should not, in support of one charge, call in the aid of another, to make it strong and complete. If it should fall in his way to mention the execution of Nundcomar, he must mention it as one which involved in it morally the crime of murder. He professed openly and plainly what he thought his duty; and as to the general effect of what had passed on the subject, it remained neither for the right honourable gentleman nor him to say. He declared that he thought the proceedings of the last few days infinitely disgraceful to that House, and infinitely dangerous to every future impeachment, and though it were late to move any thing then, yet should he ever have a prospect of a majority, he would attempt to expunge all the proceedings on the subject. Those who had examined the constitution of the country with a political eye, would

agree that more danger to the privileges of the House had occurred within these few days, than for this century past; because, though every part of our constitution tended to give it strength and cohesion, there were certain corner stones, main props, and timbers which were essential to its longevity and existence. The privileges of Parliament, and the inquisitorial powers of that House were of this description, and they would be materially affected by the present proceedings.

Mr. Sheridan. Mr. *Sheridan* said that he certainly had declared in Westminster hall, that he thought the execution of Nundcomar a foul murder; would any gentleman who had read the trial, or would the right honourable gentleman opposite to him stand up and declare that he was conscientiously convinced that he ought to have been executed? If the House commanded him not to allude to the transactions in question, he should certainly pay obedience; but if it did not, he should think that he deserted his duty, if he omitted to charge Nundcomar's execution as a murder.

Mr. Wyndham. Mr. *Wyndham* observed that he had heard nothing of the assurances that the words complained of were irrelevant to the charge of the presents, and of the pledges to prove them: he declared he commended their prudence, because it would be the strangest of all doctrines to say, you that are arguing one fact, cannot allude to a greater. It had been asked, was murder a subordinate and inferior act? Mr. Wyndham said, it might be subordinate, because he was not speaking of murder as a crime, but as a proof. He declared that his right honourable friend was strictly authorized in what he did. If it were wrong, the House of Lords had not fulfilled their duty. And should they presume they had not? Were they so particularly hostile to the prisoner, that he should be delivered over to the House of Commons? Mr. Wyndham remarked on the singularity of the prisoner's applying to his accuser's for redress. He alluded to Mr. Mitford's observation, that Mr. Hastings had appealed from the justice of the House of Lords, to the candour of the House of Commons, and said that if the honourable and learned gentleman had been to mark the insult offered to the House of Lords, it could not have been pointed out in a more striking manner. Mr. Wyndham having added that he should still contend, that in supporting a charge for a misdemeanor, it might prove warrantable to alledge higher crimes, concluded with the observation, that the Managers were put into the most degrading situation in the world, but that no person was disgraced by any circumstance which did not arise out of his own conduct; and their conduct he trusted was such, that the House might rain and thunder its menaces, whilst they

they would not only bear the fury of the storm, but burst forth from it even with an augmented splendor.

Mr. Chancellor *Pitt* begged leave, in answer to the in- Mr. Pitt.
 sinuations of three honourable gentlemen, whether they ought not to be afraid of voting the question, lest it should be made a pretext for quitting the prosecution of justice, to assure them that he, for one, should be of opinion that no such pretext could be taken. The right honourable gentleman especially, had talked of his dictating what should and what should not be their conduct; he should hold himself guilty of strong presumption indeed, if he were to dictate to the House; but he never would shrink from giving his opinion, as a Member of Parliament, upon every subject which came under discussion in that House, and as the honourable gentlemen were so anxious about the honour of the House, he advised them to take care of their own honour, and he and those who acted with him, would, on their part, prove at least equally cautious of the preservation of theirs.

Mr. *Fox* answered, that he felt himself justified in still Mr. Fox.
 persisting to declare that he would call Nundcomar's execution a murder, unless that House told him to the contrary, and that the Managers, he contended, ought to be enabled to understand explicitly what the motion meant. The right honourable gentleman had said he would not shrink from delivering his opinion. He knew not how the right honourable gentleman might act, but no tyrant ever sent men to a more arduous and perilous service than that which they were sent upon. There never were such duplicity and treachery as the conduct pursued that day. They meant to cast a slur on the proceedings of the Managers, and were afraid to avow the violent injustice of such an intention.

The Marquis of *Graham* said, that he had wished not to Marq. of
 act otherwise than delicately to the Managers, but the de- Graham.
 bate had changed the face of things, and since they insinuated that they could not go on without getting themselves into a considerable scrape, because the motion did not condemn the words already spoken, he would move an amendment, to remove that objection. The Marquis then added to the motion these words, "And that the words of the Right
 "Hon. Edmund Burke, one of the said Managers, viz he
 " (meaning Warren Hastings, Esq.) murdered that man,
 " (meaning Nundcomar) by the hands of Sir Elijah Impey,
 " ought not to have been spoken."

Colonel *Phipps* seconding this motion, he declared that he Colonel
 Phipps.
 was actuated by no personal impulse to support the motion, as it now stood; he knew nothing more of the right honourable Manager than his public conduct and character, and with Mr. Hastings he had no connection. But he thought

the honour of the House required that Mr. Hastings should have some redress afforded him for the heavy injury he had sustained in being made the object of a public charge of murder. With regard to the confidence of that House, the Managers had possessed, and would be honoured with it, unless they forfeited it by acting in a very absurd manner; but they certainly had been indulged by the House to so great a degree, that it appeared to him that they were in danger of becoming spoiled children, and doing mischief if they were not checked in time.

Mr. Fox. Mr. Fox rose to move, by way of amendment, that although in the charge exhibited by the Commons of Great Britain, upon which the House voted the impeachment, there are the following words, viz. “ That the evidence of
 “ this man, (meaning Nundcomar) not having been entered
 “ into at the time when it might and ought to have been
 “ done by the said Warren Hastings, remains justly in force
 “ against him, and is not abated by the capital punishment
 “ of the said Nundcomar, but rather continued by the
 “ time and circumstances in which the accuser of the said
 “ Warren Hastings suffered death, and to which charge the
 “ said Warren Hastings, at the bar of this House, made the
 “ following answer, viz. ‘ To the malicious parts of this
 “ charge, which is the condemnation of Nundcomar for a
 “ forgery, I do declare in the most solemn and unreserved
 “ manner, that I have no concern either directly or indi-
 “ rectly in the apprehending, prosecuting, or execution of
 “ Nundcomar.’ And although the Managers who have been
 “ appointed by the House to arrange the evidence and en-
 “ force the charges against the said Warren Hastings, are
 “ of opinion, the said declaration used by the said Right
 “ Hon. Edmund Burke, were essential to the support of one
 “ of the principal charges voted by this House.”

These amendments having been read from the chair, Mr. Fox rising, remarked that the only person on the other side the House, who had delivered his sentiments plainly and without the least reserve, was the honourable gentleman who spoke last; and he ventured openly to declare that the conduct of the Managers had been absurd and unjust. With what face, Mr. Fox said, could they go into Westminster Hall and carry on the trial, when they must know that the Court would have heard that they were the most unjust and absurd men whom the House of Commons could select out of their whole body to conduct the proceedings? Undoubtedly in the articles of impeachment the murder of Nundcomar was omitted, because it was not so much an object of charge, as a proof of charge. Mr. Hastings had answered it himself, therefore, he had thought it material to state, that if

if the House of Commons censured a Manager, he had the applause of every man engaged in the same cause. With regard to the first motion, he did not object to it, because it implied no censure; he objected to that, because it did imply a censure. This was a most extraordinary proceeding. Instead of an instruction to the Managers how to act in future, which ought to have been voted, they were called on to vote a censure for what was passed. Because, as was at first declared, no censure was to be passed, the noble Marquis passes a censure. They meant at first to carry a courtly concealed censure. Now they vote a direct censure. It shewed the spirit of their proceedings, and that they chose to act with the duplicity with which they were charged. Such conduct in the two honourable gentlemen, who moved and seconded the motions, was in the highest degree scandalous and indecent—

Mr Fox was called to order by

Colonel *Phipps*, who said, he was glad he had not called the right honourable gentleman to order sooner; as he feared he should not have been able to have preserved his temper. The Colonel declared that he would not be told that he acted in that House with duplicity and treachery, nor that his conduct was in the highest degree indecent and scandalous. Such language ought not to be used within those walls, and would not be tolerated between gentlemen; nor perhaps ventured to be spoken in another place.

Colonel
Phipps.

The cry of Order! was general from the Opposition side.

Mr. *Fox* said, he held the honourable gentleman's words in the utmost contempt.

Mr. *Francis* said, in the hearing of the Chair, the honourable gentleman had thrown out a menace.

Mr.
Francis.

Mr. Chancellor *Pitt* moved, "That the strangers with-
"draw."

The gallery was accordingly cleared.

Mr. Chancellor *Pitt* remarked, that he had not thought it necessary before to trouble the House with much argument upon the question, because he entertained a hope that the House would be agreed. He had been strongly called upon, indeed, to bring forward his arguments, as he had promised; but while there appeared a possibility of agreeing in the same vote, he did not wish either to take up the time of the House, or to provoke more dispute than was absolutely necessary upon the present subject. He must, however, now state the ground upon which he proceeded, and he begged, in the first place, to draw gentlemen's attention to the main point in dispute between him and the right honourable gentleman (Mr. *Fox*.) The ground of the right honourable gentleman was this—That the House could not restrict the Managers with-
out

Mr. Pitt.

out dismissing them; the right honourable gentleman had stated it broadly as an universal truth—That men employed by others as Managers, or agents, never could or ought to be restricted in any point, but if they went beyond the powers committed to them, that they ought to be dismissed; that there was no case conceivable in which it was fit, in any manner or degree, to restrain a Manager; but, let the nature of the business be what it would, let the progress already made be what it would, let the inconvenience and difficulty of chusing new Managers be ever so great, still, if the least restriction of the present Managers seemed necessary; their instant dismissal was the only possible plan of proceeding. He would venture to assert the contrary opinion, without much fear of being thought absurd or extravagant. There were many cases imaginable in which persons might somewhat exceed their powers, and thus render some restriction or observation upon their conduct very proper, while it might be highly improper to dismiss them; but, although every man's imagination might suggest a variety of cases to which this observation would apply, yet he questioned whether any case could be imagined to which it would apply so strongly as to the present. He need not enter farther into this point; let gentlemen reflect a moment, let them turn their minds to the present impeachment, and they could not fail to see how strongly and how fairly the observations applied to it. The right honourable gentleman had alluded to the case of a ship's captain, against whom murder had been charged in throwing his slaves overboard, in order by that charge to defeat the owner's claim of insurance; and upon this he had grounded an argument, that the very crime of murder might be legally charged, in order to establish some other point; there could be no objection to try the present case by the one supposed; let the cases, however, be made alike, and let a true parallel be drawn. In the case of Mr. Hastings, the murder was charged, in order to discredit his character; this was contrary to every principle of legal evidence; it was a rule, in the courts, that no fact can be given in evidence to discredit a witness; still less could a charge of murder be made in order to discredit any one. In the case of the captain alluded to, the murder of the slaves was an actual part of the cause, and was itself the occasion of the loss of property claimed from the underwriters; undoubtedly, therefore, it was fit it should be proved. In the present case, the murder of Nundcomar was no part of the crime of peculation, and every rule of evidence was in bar of it. If, then, Nundcomar's murder was neither legal nor admissible evidence, there was only one other ground upon which it could be urged, namely, as a matter of aggravation. It was impossible

possible to allow this; the common sense of the House, and of all mankind, would not permit the crime of murder to be urged in the way of aggravating a crime of speculation. If the murder were true, and could be proved, would any man say, it was not worthy to be made a distinct and substantive charge; if not true, it ought not to be urged as an aggravation of any other charge. What then was the conduct of the Managers? Without the least authority from the House to charge this murder upon Mr. Hastings; nay, under the peculiar circumstance of knowing that the House had refused to impeach Sir Elijah Impey, who was involved with Mr. Hastings in it; not chusing to use the privilege they had of proposing this charge in the House of Commons, in order to carry it up as another article of impeachment, they chose rather to stand up in the name of the House of Commons, to charge the crime of murder, clothed, as they there described themselves, in the robes of magistracy, armed as they declared themselves to be with the authority of the House, challenging respect and credit from their Lordships, as the representatives of the House of Commons, in a manner different from the Counsel on the other side the question. Must it not then be admitted, that the charge must come with all the weight and authority of the House, unless it were expressly contradicted.

The right honourable gentleman had accused those who differed from him, with being unfriendly to the inquisitorial rights of the House of Commons; for his own part, he trusted that he should be found the truest friend to them; for it was the equitable exercise of our rights that was the best security for their continuance, and there was this most important circumstance, which he had yet to add to all that was already stated; namely, that this enormous crime of murder was thrown out against Mr. Hastings in a manner so foreign to the subject, and so irrelevant, that it could neither be answered by Mr. Hastings, nor decided upon by their Lordships; the Counsel, indeed, of Mr. Hastings probably would wish to answer it, but they were put into the unfair situation of being obliged to court obloquy, and to plead the harshness of their antagonists' abuse, in order to get leave to do so. It had been urged, that the mention of the business to the House should not have originated with the criminal himself, or his own particular friends, and this had been vehemently argued as a ground for dismissing the consideration of it; this, he thought, was a reason harsh indeed. If the criminal has made appeal to this House, having no redress elsewhere, shall we say, because it is the injured party that appeals, that for this reason we will not hear of the complaint! Does it become the honour, the dignity, the liberality, or the magnanimity

nimity of a British House of Commons, to say, that “ be-
 “ cause we are the accusers, and you the culprit, we will
 “ therefore listen to no remonstrance, we will entertain no
 “ petition that you can present to us: we intended not, in-
 “ deed, to charge you with murder, we impute to you no-
 “ thing but misdemeanor; it is true, our Managers have
 “ charged you with this foulest of crimes; but because it is
 “ you, the criminal, that come to us and complain, and not
 “ one of our own body, it would degrade our character, it
 “ would trench upon our privileges, to hear of your com-
 “ plaint; you must, therefore, sit contented under every
 “ crime our Managers may load you with; it is our part to
 “ be the accusers, it is your’s to be the party accused; and
 “ it is our principle, therefore, to set no bounds to the accu-
 “ sations which our Managers are to heap upon you.” Surely
 this would be to adopt the very spirit of persecution, instead
 of maintaining the inquisitorial rights of Parliament; it
 would be to forget and to relinquish, instead of asserting and
 holding forth, the true character of a British House of Com-
 mons. But it was urged also, that the charge of murder was
 made last year, and at that time connived at. If this were
 the case, which he confessed, he was not so entirely aware of,
 did it follow, because it passed unnoticed then, that being
 now so pointedly noticed by the petition of Mr. Hastings,
 the petition was therefore to be neglected? What would be
 the inference another time, if this argument should be al-
 lowed? Would not the Managers naturally plead the House’s
 silence upon the present petition, as leaving them at full li-
 berty to say whatsoever they pleased against Mr. Hastings;
 to charge him with what crimes they pleased, and to dismiss
 all regard to the line chalked out for them in the articles of
 impeachment? the house was therefore called upon, both by
 the petition of Mr. Hastings, and the language of the Mana-
 gers themselves, to say whether they meant to renounce all
 right of interference, or whether they still held themselves
 accountable for the equity of the proceedings, and for the
 foundation of those charges which the Managers, in their
 name, were urging against the criminal: the House must ei-
 ther charge the murder of Nundcomar, or they must now
 disclaim it. If it be not disclaimed, it must and would be
 considered as their charge, under the present circumstances.
 Mr. Hastings, as well as their Lordships, and the whole
 world, would so consider it. The motion therefore being
 calculated only for doing justice to Mr. Hastings, had no-
 thing in it originally but this simple proposition. The sort
 of language, however, which the Managers had thought
 proper to use, and in which they seemed to be so entirely
 agreed, had made it necessary to go one step farther; for, if

a resolution of the House, disclaiming the charge of murdering Nundcomar, was not likely to prevent any of the Managers from repeating, in the name of the House of Commons, the same charge of murder, it then became necessary to add the amendment proposed, and to say. "That the words spoken by Mr. Burke, viz. that Mr. Hastings murdered Nundcomar, ought not to have been spoken." He did not wish these words to be added for the sake of censure on that right honourable gentleman; he had even wished them not to be inserted at all; they were forced upon the House by the complaints of a gentleman over the way, who found fault with the resolution as useless and unintelligible, and the more he thought of it, the more clearly was he convinced that they were now necessary; for he knew of no other way of restraining the Managers from charging any thing they pleased, in the name of the Commons of England, but by disclaiming what was past, and thus making it intelligible what was to be done in future.

There was a sort of menace held out by the right honourable gentleman over the way, to which it was also necessary to say a few words. He had thrown out, that it was too much to suppose he could submit to continue the Manager of a prosecution, in which he was to be thwarted and found fault with upon every occasion. If these words were literally true, there would be reason in them; certainly, he could not expect that the Managers would continue, if censured, as it was hinted, whether right or wrong, or if restrained literally on every occasion. But the argument, if stated with any sort of candor, was exactly this: "You, the House of Commons, restrain us from charging Mr. Hastings with murder, by way of aggravating a charge of misdemeanor, and you have listened to a petition of the criminal, complaining of our having done so. We therefore conclude, that you will listen to any petition from the criminal upon any subject; and we conclude also, that because you restrain us from charging crimes which you have not authorized, that you will therefore restrain us from charging the allegations you have authorized, and we therefore give up the prosecution." The right honourable gentleman knew too well, how such an argument would be felt by the House, and by the Public, for him to persist in it. He knew it could not be for the advantage of his own character, or that of the other Managers, and he was sure it was not their intention or disposition to withdraw themselves from this important public trust, so long as they retained that fair and reasonable protection of the House which was still given them, and which it ought not to be doubted that the House would equally continue to give them. The impeachment

was the impeachment of the Commons and not of the Managers only; and while it was the impeachment of the Commons which they prosecuted, the protection of the Commons was absolutely due to them, and he trusted would be fairly, unequivocally, and heartily given; at the same time, he thought that if a blindfold implicit confidence was to be claimed, the House neither had given it, nor ever would give it to any Managers of any prosecution. As for himself, he would make no professions; but he would leave the House and the country to judge of his sincerity and faithfulness, in this and every other part of public duty, by the conduct which he should hold; but thus much it was necessary to say, that as on the one hand he would give to the Managers every fair and honourable support, so on the other hand, there was no species of insinuation, suspicion, or clamour, that should ever make him refuse to the criminal that fairness of trial, and that consideration of any cruelties in his case, which were due to him on sound principles of equity and impartial justice; and he hoped to shew himself, throughout, zealous on the one hand in prosecuting one whom he thought a public delinquent, and he hoped, on the other, to be equally zealous for the honour and character of the House of Commons. It was not difficult, he trusted, to unite both these principles; for he verily believed, that there was no better means of forwarding the success of the prosecution, than by discountenancing every thing unfair, and by testifying to the world the goodness of their cause, by the equity of their proceedings.

Mr. Fox. Mr *Fox* declared, that with respect to one point which related to what he had said on a former occasion, the right honourable gentleman (Mr. Pitt) had most cruelly perverted the meaning of his remark. Mr. Hastings in his petition complained of certain things not being brought to proof, and had prayed the House that they might be formed into specific charges. These, Mr Fox said, related to Deby Sing, and he was satisfied, in his own mind, that Mr. Hastings desired that the charges might be specified, not with any view that they should be so done, but because he dreaded their specification, and thought the best way to prevent it was, to appear desirous to have them specified. He had, in a former speech, stated, that the words relative to Nundcomar were relevant to the charge of corruption. The right honourable gentleman denied it; and because he conceived that the mentioning of Nundcomar's execution was irrelevant to the charge, he took it for granted that every man's mind was as satisfied as his own, and he argued it accordingly; but when he argued that opinion, the right honourable gentleman was prejudging the Commons at the bar of the House of Lords,

because

because that was matter of evidence, on the admissibility of which the Lords were to determine. Another mistake of the right honourable gentleman was, his conceiving that if the business was not in the charge, it was forbidden by the House of Commons. By the same reason, the right honourable gentleman might imagine that every tittle of evidence was irrelevant, because the evidence made no part of the instruction of that House. Mr. Fox drew the distinction between a charge, as originally submitted to the House for them to vote, and the articles of impeachment carried up to the House of Lords to be proved. The first was loosely drawn, and contained not only the facts alledged, but the evidence; whereas the articles contained nothing but the facts, without a tittle of the evidence; and that mode of proceeding, he declared, he had learnt to be the proper one, from the first law authorities in that House. The right honourable gentleman had contended that it would be impossible for them to prove the charge of Mr. Hastings having a share in the murder of Nundcomar, at the bar of the House of Lords. That was a business for the House of Lords to determine, and not for them. As to the arguments that a greater crime could not be adduced, in support of a charge for a less, these, he observed, was now all given up; the whole, therefore, rested on the plausible inference that Mr. Hastings, or any one who received an injury, and could not receive redress any where else, might receive it from the hands of that House. Mr. Fox undertook to prove that this was not the fact, and that Mr. Hastings had his remedy elsewhere, either by appealing to the House of Lords, or by his action at law against the right honourable Manager (Mr. Burke), and nothing, he said, could prevent this latter remedy, but either the privileges of the House of Lords, or the privileges of the House of Commons. He could not conceive that the privileges of the House of Lords extended to the protection of the right honourable Manager, speaking at their bar, any more than to a Counsel for words delivered at their bar. If it was the privileges of the House of Commons, it must be, that they could not receive accounts of words spoken by one of their own Members from any but their own Members. And that he took to be the true state of the fact, because it would be equally disorderly to refer to the strangers in the gallery, and to call upon any person who happened to be there during a debate, and was known to be an excellent note-taker for a newspaper, or for other purposes, and to have an extraordinary correct memory, to prove what Mr. Fox said on his legs, as to admit the evidence of a stranger to prove to that House what Mr. Burke said in Westminster Hall. If words which were authentic had been spoken at the bar of a Court

of Justice, and had not been taken notice of by the Court, it was a fair inference that the Court did not consider them to be improper, but if any parliamentary proceeding was to be had upon them, no one ought to be heard upon the subject, but a Member of the House. The right honourable gentleman, he observed, had asked whether the Managers expected the House to repose in them a complete and even blind confidence, and to set them free from every species of control? Undoubtedly not; but the right honourable gentleman might argue as he pleased concerning the subject of confidence; what would the Public think, when they found the Managers deprived of the confidence of that House? With regard to the question of corruption, he conceived that the Managers had the orders of that House to act as they had acted; and if they were to exercise their own arguments on what could prove or aggravate the facts, they must proceed to do as appeared to them most likely to obtain success. The right honourable gentleman had contended, that they were not to argue; that because the matter was not taken notice of last year, they were to consider that omission as a precedent; but the fact was, that it was attended to last year, and when his honourable friend near him had said, “no authority, however high, should prevent his saying that Nundcomar’s execution was a murder,” there was the fullest and the most attentive House of Commons present that ever went into Westminster Hall, and yet no notice whatever was taken of his honourable friend’s declaration at the time. He supposed, in the Benares charge, when the defence came to be made, there would be a reply also to that defence, in which it might be necessary to take notice again of some facts and allegations of which Mr. Hastings might complain to that House. Then the right honourable gentleman would say, “You last year exceeded your instructions.” Instructions! the Managers had no instructions, but that of consulting their own judgements. Without meaning, therefore, to give personal offence to any gentleman, he must still say, that the conduct of the House on that occasion was characterized by duplicity and treachery; they had entrapped the Managers into this degrading situation; for, were they of their own choosing, of their own appointing? No! they were chosen and appointed Managers by the House of Commons. Suppose the case in private life. He had an advocate to plead his cause, he does so and so; suppose he was displeased with that advocate’s conduct; suppose he did not approve of what he said in pleading his cause; what would he or any man do in such a case? Would he not say, naturally, he would have another advocate. He could not censure, because his advocate had acted to the best of his judgement. So that House
had

had no right to censure the Managers for an error in judgment. They gave them no compass to steer with, no line by which to regulate their conduct. That House then had a right to dismiss them, but nothing more. If the Public conceived that they ought still to go on with the prosecution, and that the confidence of that House was not withdrawn from them, they would still persist in it, while they had a prospect of carrying it on with effect. He remembered the remark of the right honourable gentleman, that if the Irish propositions did not pass, he could not be an useful servant to the Public. He feared, if the motion passed, he could not be an useful servant to the Public. To retain a situation, when the person retaining it knows that he cannot hold it to any purpose, was neither honest nor honourable. And for that House to say, "Go on with the prosecution, though we will not suffer you to prosecute it with effect," it was in words to speak for the prosecution, in action to go against it. If his right honourable friend had conducted himself improperly in a situation in which he acted for others, as far as his judgement required, the fault lay with the employer, and not with the employed. His right honourable friend had done justice to God and man, and he deserved no censure.

The question was put on Mr. Fox's amendment, "That they stand part of the question," which being negatived, the question was put on the Marquis of Graham's amendment, when the House divided,

Ayes, 135; Noes, 66.

The main question amended was then put, and carried.

Mr. Bouverie, as soon as the House was resumed, moved, "That the thanks of this House be given to the right honourable Edmund Burke, and the rest of the Managers, for their exertion and assiduity in the prosecution of the impeachment of Warren Hastings, Esq., and that they be desired to persevere in the same."

The *Master of the Rolls* considered the motion as not merely premature, but extremely improper, at that moment, just as the *Rolls*. the House had voted a censure upon one of the honourable Managers; and therefore, without meaning to mark any personal incivility to any of those honourable gentlemen, he should take the liberty of moving the previous question upon the honourable gentleman's motion.

The motion of the Master of the Rolls was carried; and that of Mr. Bouverie consequently negatived.

The House adjourned.

Wednesday,

Wednesday, 1th May.

Mr. Dempster, upon motion, brought up a bill to explain and amend the Hawkers and Pedlers' Act. It was read a first time, and ordered to be read a second time, and printed.

Mr. Dempster. Mr. *Dempster* observed that as, in consequence of the direction of that House, he, in conjunction with others, had drawn and prepared the bill, he thought it incumbent on him to state, that two clauses of the last bill were omitted in the bill now before the House, and these were, the clause restraining hawkers and pedlers from coming within two miles of a market town, and the clause empowering Justices of the Peace to prevent their entering counties under certain circumstances.

The order of the day for the House resolving itself into a Committee of the whole House, upon the bill to repeal the County Election Act, having been read, and the question "That the Speaker do now leave the chair," having been agreed to, Mr. Blackburn took his seat at the table.

The Committee then proceeded to fill up the blanks in the clauses, and upon the Chairman's reading the clause to revive the acts virtually repealed by the county election act,

Mr. Popham. Mr. *Popham* remarked that, upon the present occasion, he felt it his duty to point out what, in his opinion, were the pernicious effects of the bill brought in by an honourable gentleman, then in his place, (Mr. Powys) and to declare, that if the House, without endeavouring either to correct the county election act, or providing a practicable substitute, suffered the bill of the honourable gentleman to revive, and the law of election to stand as it did previous to the county election act passing, it would occasion endless litigation. The bill of the honourable gentleman, to which he alluded, had been brought in in consequence of the tediousness and expence of trying the merits of the Gloucestershire election; a circumstance occasioned entirely by the difficulty of deciding upon the right of voting. Those gentlemen who sat upon that Committee well knew, that above half the time during which the Committee sat, had been spent in investigating that right; and as Committees of the House had decided differently upon that important question, it was essentially necessary that some fixed criterion should be established. One great objection to the bill of the honourable gentleman opposite to him was, that it put the ascertainment of the freeholders' right wholly into the hands of the assessors of the land tax, and as several assessors of the land tax were low and ignorant men, they exercised their authority in this particular often negligently, and sometimes corruptly. The bill, therefore, was objectionable, as giving the land-tax assessor too

too much power over the freeholder's right, and the freeholder too little power over his own franchise. What they all aimed at, was one and the same thing; it was, to superadd some caution against exercising the franchise of a freeholder, in voting for Members of Parliament representing counties, beyond the oath of the freeholder. The only difference among them was, what was the best, most simple, and most practicable mode of attaining the object. He would take the liberty of submitting to the consideration of gentlemen more interested in the question than he could pretend to be, what occurred to his mind upon the subject. He thought, and he believed the House in general entertained the same opinion, that a county register was the best of all possible means of ascertaining a qualification of the freeholder; the only objection was, that the registration of freeholds would put the freeholders to some expence. That expence might be reduced to a trifle, if proper regulations were adopted. Suppose that a county register were kept by the clerk of the peace for the county, who as quickly as the freeholders names were entered in his register, might send copies of the entries up to an office in London, where a duplicate of the book might be kept, and whenever occasion occurred, the duplicate register might easily be referred to. The clerk of the peace might be empowered to appoint deputies in different part of the counties, where the counties were large, to receive names and transmit them to him, and thus expence might be saved to the freeholder. Another way was, to order the persons employed in returning juries, from time to time, to the grand jury, at every quarter sessions, the names of the freeholders within their district. He was aware that this mode was liable to an objection, and that it would be contended that the names of some leaseholders, who were qualified, under certain circumstances, to serve on juries, might, through error, be entered on the register as freeholders; and in quiet counties, if ever a contest should arise, it might create difficulty and confusion. But this ill consequence would, on investigation, be easily obviated, because the registration merely superadded a proof of the qualification of a freeholder, and could not create a freehold.

Mr. *Powys* did not conceive that the present was the moment for the House to avail themselves of the suggestions thrown out by the honourable and learned gentleman; suggestions which, most undoubtedly, were valuable. The question then was, had the county election act been found impracticable, and was so incorrigible, that it must be repealed? If so, the bill which he was supposed to have been principally concerned in bringing in, would naturally revive, and once more become the law of election with respect to counties.

Mr.
Powys.

counties. The bill, he was ready to admit, had appeared, in its operation, to be attended with certain inconveniences, but those inconveniences could not, in his mind, be properly attended to, till after the county election act was disposed of either one way or another. Should the present bill pass, and the county election act be repealed, he should then think it his duty to endeavour to propose such amendments to the act, which he had the honour of introducing, as should cure its defects, and obviate the objections at present made against it, for which purpose he should be happy to receive suggestions from any honourable gentleman who might suppose the subject worthy of his attention.

Mr. Pitt. Mr. Chancellor *Pitt* begged leave to remind the honourable gentleman who spoke last, that it was not the question at that moment, whether they should repeal the county election act, but whether in a bill for the repeal of that act, they would, by a special clause, recognize the revival of those laws which, on the passing of the present bill, would revive of course? It was not his intention to endeavour to maintain a bill, against which there were so many objections as it was clear there were against the county election act, but he could not avoid declaring, that by consenting to its repeal, he by no means abandoned its principle. However impracticable the mode of keeping a register of freeholders had been found under the provisions of the county election act, such a register was most desirable, and if a mode could be found for the keeping such a register, it ought, undoubtedly, to be preferred to any other means of guarding and securing the rights of electors for representatives of counties. If, on the contrary, it should, upon full consideration, unfortunately turn out that a register of freeholders could not be made practicable, he begged that he might not, by consenting to the repeal of the county election act, be considered as in any degree admitting that the law of election, which would then revive, was adequate to its object, or that it ought to continue, without great alteration and amendment.

Mr Whitbread Mr. *Whitbread* mentioned the case of the Bedfordshire election as a proof of the utility of a county register of freeholders.

Captain Berkeley. Captain *Berkeley* signified his intentions of proposing what he presumed every gentleman must approve, that a Committee be appointed to inquire into the laws relative to the rights of voters then in being, and report their opinion what sort of bill would best answer the general wishes of the House.

Mr. Sheridan. Mr. *Sheridan* said that, notwithstanding that it was too evident that the county election act, in operation and effect, had been found to be productive of great inconvenience, and therefore must, he feared, be repealed, he gave the noble

Lord

Lord who introduced it full credit for the goodness of his intention, and the just and constitutional principle on which it was founded, as indeed every bill was likely to be which came from the hands of the noble Lord in question. But it was highly necessary that some bill should pass, to regulate and ascertain the right of voting, since it was well known that Committees of that House had not only decided differently, in respect to the right of voting, but that two Committees, who had tried the merits of a petition complaining of an undue election for one and the same county, had given decisions diametrically opposite to each other. Mr. Sheridan declared, that he highly approved of the 'honourable gentleman's idea of a Committee being appointed to enquire into the laws of election, as they stood at present; and he trusted that, at the present advanced period of the session, all possible expedition would be used.

Mr. *Crewe* expressed his determination to move that a clause in the bill, throwing the expence already incurred in the execution of the county election act on the respective counties, might be left out, that the expence might fall where it ought to fall, on the Public.

Mr.
Crewe.

Mr. Chancellor *Pitt* answered, that he could not hastily resolve to support such a proposition; however, upon consideration, he might possibly have no objection to it; but, standing in the situation in which he did, it would ill become him, in point of duty, to consent, that without any farther notice, the Public should be loaded with a large expence. As the clause in question might, upon motion, be left out as well upon the Report, he hoped the honourable gentleman would suspend his intention till that stage of the bill, when it might happen that he should think the honourable gentleman's proposition unexceptionable.

Mr. Pitt.

Mr. *Crewe* consented to wave his intention till the report.

The clauses having been all gone through, and the several blanks filled up, the House was resumed, and the report ordered to be brought up upon the morrow.

Captain *Berkeley* moved his Committee on the laws of election, which was agreed to.

The House adjourned.

Thursday, 7th May.

Mr. *Villiers*, having premised that it was the character of the House to render themselves as accessible as they could to all descriptions of subjects, who, in decent and respectful terms, desired to be heard, begged leave to present the following

Mr.
Villiers.

Humble Petition* of the persons whose names are hereunto
subscribed, on behalf of themselves and others,

CATHOLIC DISSENTERS of ENGLAND,

Sheweth,

THAT sentiments unfavourable to your petitioners, as citizens and subjects, have been entertained by English Protestants, and that your petitioners are subject to various penal laws, on account of principles which are asserted to be maintained by your petitioners, and other persons of their religion, and which principles are dangerous to society, and totally repugnant to political and civil liberty.

That your petitioners think it a duty which they owe to their country, as well as to themselves, to protest in a formal and solemn manner against doctrines that they condemn, and that constitute no part whatever of their principles, religion, or belief.

That your petitioners are the more anxious to free themselves from such imputations, because divers Protestants, who profess themselves to be real friends to liberty of conscience, have nevertheless avowed themselves hostile to your petitioners, on account of the opinions which your petitioners are so supposed to hold; and your petitioners do not blame those Protestants for their hostility; if it proceeds (as your petitioners hope it does) not from an intollerant spirit in matters of religion, but from their being misinformed as to matters of fact.

That your petitioners acknowledge that they should merit the reproach of being dangerous enemies to the State, if it were true that they had adopted the maxims that are erroneously imputed to them; but your petitioners detest those unchristian-like and execrable maxims; and your petitioners severally claim, in common with men of all other religions, as a matter of natural justice, that your petitioners ought not to suffer for or on account of any wicked or erroneous doctrines that may have been holden, or that may be held by any foreign Roman Catholics, which doctrines your petitioners publicly disclaim, any more than any of the British Protestants ought to be rendered responsible for any dangerous doctrines that may be held by any foreign Protestants, which doctrines they, the said British Protestants, disavow.

I. That your petitioners have been accused of holding as a principle of their religion, that Princes excommunicated by the Pope and Council, or by authority of the See of Rome,

* Not to fatigue the reader by useless repetitions, suffice it to observe, that a petition, exactly similar, was, upon the same day, presented to the House of Lords,

may be deposed or murdered by their subjects, or other persons. But, so far is the above-mentioned unchristian like and abominable position from being a principle that your petitioners hold, that they reject, abhor, and detest it, and every part thereof, as execrable and impious; and your petitioners do solemnly declare, that neither the Pope, either with or without a General Council; nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any ecclesiastical power whatever, can absolve the subjects of this realm, or any of them, from their allegiance to His Majesty King George the Third, who is, by authority of the Legislature, the lawful King of this realm, and of all the dominions thereunto belonging.

II. That your petitioners have also been accused of holding, as a principle of their religion, that implicit obedience is due from them to the orders and decrees of Popes and General Councils; and that therefore, if the Pope, or any General Council, should, for the good of the Church, command your petitioners to take up arms against Government, or by any means to subvert the laws and liberties of this country, or to exterminate persons of a different religion from your petitioners, the accusers of your petitioners assert that your petitioners hold themselves bound to obey such orders or decrees on pain of eternal fire. Whereas your petitioners positively deny, that they owe any such obedience to the Pope and General Council, or to either of them; and your petitioners believe, that no act that is in itself immoral or dishonest, can ever be justified by, or under colour that it is done, either for the good of the church, or in obedience to any ecclesiastical power whatever. Your petitioners acknowledge no infallibility in the Pope; and that they neither apprehend nor believe that their disobedience to any such orders or decrees, should any such be given or made, could subject your petitioners to any punishment whatever. That your petitioners do solemnly declare, that no Church, nor any Prelate, nor any Priest, nor any Prelates or Priests, nor any ecclesiastical Power whatever, hath, have, or ought to have, any jurisdiction or authority whatsoever within this realm, that can, directly or indirectly, affect, or interfere with the independence, sovereignty, laws, constitution, or government thereof, or the rights, liberties, persons, or properties of the people of the said realm, or any of them, save only and except by the authority of Parliament; and that any such assumption of power would be an usurpation.

III. That your petitioners have likewise been accused of holding, as a principle of their religion, that the Pope, by virtue of his spiritual power, can dispense with the obligations of any compact or oath taken or entered into by any person

person of the religion of your petitioners; that therefore, no oath of allegiance, or other oath, can bind your petitioners; and consequently, that your petitioners can give no security for their allegiance to any government. That your petitioners admit this conclusion would be just, if the original proposition upon which it is founded were true: but your petitioners positively deny that they hold any such principle; and they do solemnly declare that neither the Pope, nor any prelate; nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, can absolve your petitioners, or any of them, from, or can previously or subsequently dispense with the obligations of any compact or oath whatsoever.

IV. That your petitioners have also been accused of holding, as a principle of their religion, that not only the Pope, but even a priest, has power at his will and pleasure to pardon the sins of persons of the religion of your petitioners; and therefore, that no person of the religion of your petitioners can possibly give any security for his allegiance to any government; inasmuch as the Pope or priest can pardon a perjury, rebellion, and high treason. That your petitioners acknowledge also the justness of this conclusion, if the proposition upon which it is founded were not totally false—but your petitioners do solemnly declare, that, on the contrary, they believe that no sin whatever can be forgiven at the will of any Pope, or of any priest, or of any person whomsoever;—but that a sincere sorrow for past sin, a firm resolution to avoid future guilt, and every possible atonement to God and the injured neighbour, are the previous and indispensable requisites to establish a well-founded expectation of forgiveness.

V. That your petitioners have always been accused of holding as a principle of their religion, that “faith is not to be kept with heretics,” so that no government, which does not profess the same religion as your petitioners, can have any security from your petitioners for their allegiance and peaceable behaviour. That your petitioners reject, reprobate, and and abhor the doctrine, that “faith is not to be kept with heretics,” as being contrary to religion, morality, and common honesty. And your petitioners do hold and solemnly declare, that no breach of faith with, or injury to, or hostility against, any person whomsoever, can ever be justified by reason of, or under pretence that, such person is an heretic or an infidel.

That your petitioners further solemnly declare, that they do make this declaration and protestation, and every part thereof, in the plain and ordinary sense of the words of the same, without any evasion, equivocation, or mental reservation

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vation whatsoever. And your petitioners humbly conceive, that your petitioners who thus solemnly disclaim, and from their hearts abhor, the above-mentioned abominable and unchristianlike principles, ought not to be put upon a level with any other men who may hold and profess those principles.

Your petitioners therefore humbly pray, that this honourable House will be pleased to grant such relief to your petitioners, as this honourable House in its wisdom shall deem to be just.

It was ordered that the said petition do lie upon the table. The House adjourned.

Friday, 8th May, 1789.

As soon as the order of the day for taking into consideration the Test and Corporation acts had been read,

Beaufoy rising, observed, that the unalterable confidence Mr. which the Dissenters still continue to repose in the general Beaufoy. disposition of the House to do justice to the injured, and to give relief to the oppressed, had induced them, (and they trusted, not without that temper, moderation, and respect, by which, in all similar proceedings, they had been invariably distinguished) to renew their application to parliament. Upon this occasion they were perfectly convinced how difficult it was, even for the best and wisest men, to relinquish, on the evidence of a single debate, the prejudice which misinformation had led them to adopt: neither had they forgotten how frequently the Legislature had granted the very requests which causeless apprehensions had before induced them to refuse. In the present instance they could not avoid flattering themselves under the earnest hope that whilst their merit as citizens was acknowledged, they might venture, without offence, a second time to solicit from the natural guardians of all descriptions of the people a candid and impartial hearing. *Mr. Beaufoy* begged leave to remind the House, that in their former application the Dissenters, far from wishing by a multitude of petitions to display their numbers and political consequence in the State, had placed their whole reliance on a plea to which numbers gave no additional strength; for they knew, that to the ear of a British Parliament the voice of justice ascends with as much effect from the few as from the many; from the feeble as from the strong: that the same temper had marked their subsequent conduct; for however sensibly they felt the hardships of being subjected, though guiltless of offence, to such disabilities and to such dishonour as few offences can deserve; yet they had not indulged the language of complaint, neither had they sought the aid of political alliances, or endeavoured to avail themselves of

of party divisions. Much more elevated had been their line of conduct; for they had patiently waited the arrival of a period in which the wisdom of a complete toleration should be generously acknowledged, and in which the experience of other nations should have proved, that such a toleration would strengthen the interest of the established church, and so entirely destroy the bitterness of religious variance, that the State would afterwards be as little affected by that variance, as by a difference of opinion in natural philosophy, or any other speculative science. For his own part, Mr. Beaufoy remarked, that whilst he described with satisfaction the temperate conduct of the Dissenters, he was perfectly aware that among them, as in all large societies, intemperate individuals might be found; but to throw upon the Dissenters, the blame resulting from the unauthorized language and unsanctioned asperities of such men would be as absurd as to expect, that in a large multitude no man of a peculiar cast of mind who measured his opinions by a standard of his own, was ever to be found. Such an imputation would prove as unjust as a charge against the Church of England of embracing and practically extending those principles of despotism, those maxims of civil thralldom, which particular clergymen have sometimes inculcated from the pulpit. Who does not know, said Mr. Beaufoy, that the settled maxims and fundamental axioms of the British constitution have been condemned by a higher authority in the Church of England, than any which the Dissenters own? Yet, what man is either so weak or so wicked, as therefore to declare, that the Church of England is hostile to the laws and constitution of her country. It is only by the tenor of their course, and general spirit of their conduct that large societies can ever be justly tried and measured, whether as faithful and affectionate supporters of His Majesty's illustrious house; or as citizens zealously attached to the constitution; or as Protestants who in doubtful and difficult emergencies, have proved themselves friends to the established church, the Dissenters will be found on a level with the most distinguished of their fellow subjects. Having observed with what pleasure he perceived that in consequence of the last debate on the subject, many points on which he had then thought it his duty to enlarge, might now be taken for granted as known and admitted truths, Mr. Beaufoy added, that he should think it superfluous to prove, and from which the Dissenters solicited relief, was a civil, and not a religious oppression: that they complained not of ecclesiastical hardships, but of being injured as citizens, of being wronged as Englishmen; and that all they asked was a restoration of civil rights, and permission to give proofs to the world that no men regard danger less, or value
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their country more. He should think it equally superfluous to show, that the exclusion of the Dissenters from civil and military offices was not the reason for which the Test Act was originally passed; for all who had consulted the Journals, or even the common histories on the subject, must know, that the assembling an army under Catholic officers, for the purpose of overawing the proceedings of Parliament, and the stationing that army within an hour's march of the capital, was the circumstance which gave rise to the statute. The Sacramental clause in the Corporation act was intended, in like manner against the Catholics alone; for as the other provisions of the statute, by dispossessing the enemies of the court, had established the influence of the Crown in all the corporations of the kingdom, the Parliament was naturally apprehensive that in the next reign, under a Catholic king, all corporation offices would be filled with Catholics. It was obvious that the clause which enacted the Sacramental test could not be intended against the Dissenters, as at that time there existed no such description of people; for as the act of uniformity which produced the separation was not passed till a subsequent period, those who were afterwards called Dissenters were then within the inclosure of the church, and consequently participated in her sacraments. The provision must, therefore, have been intended as a guard against the Catholics, to whom it effectually applied, and not as a guard against those who were afterwards called Dissenters, on whom at that period it could not operate. Yet though the exclusion of the Catholics from civil and military employments was the object for which the Test and Corporation acts were passed, the continuance of these acts with that view, was altogether useless; for if the exclusion of the Catholics from the offices of executive government was still thought expedient by the state, that exclusion might be effectually obtained by the same oath of supremacy, and by the same declaration against the leading article of their faith which debarred them from a seat in either House of Parliament. As to the sufficiency of the oath of abjuration to exclude from civil and military employments all persons of a different faith from a Christian, as every man who takes that oath swears that he takes it on the faith of a Christian; this, he should conceive, was too generally known to stand in need of any argument. After this exordium, Mr. Beaufoy entered upon a specific statement of the Dissenters case, which he described as involving it in two different questions: 1st. Have the Dissenters a right in common with their fellow subjects to the usual privileges and general benefits of citizenship? 2dly. If they have a right, what benefit does their exclusion from the enjoyment of it produced to the Church or State? If the first

first of these questions were proposed to the consideration of a foreigner, he would naturally ask, what are these Dissenters, that their right to the common privileges of citizens should be disputed? Are they slaves to the rest of the community, or are they offenders who have forfeited their privileges by their crimes, or are they persons who from their religious tenets are unable, or from disaffection to the State are unwilling to give the necessary pledges of obedience? Not as slaves to the rest of the community, do we deny them the usual privileges of citizens; for, thanks to the spirit of our ancestors, there is in Great Britain no such description of men. Not as criminals do we exclude them from the enjoyment of their rights; for of the millions of subjects who inhabit the kingdom, there are none of more untainted integrity or of more unquestionable honour. Neither as persons who are unable or unwilling to give a sufficient pledge of their obedience to the State, do we reject them; for, such is the satisfaction which we feel in the pledges they give of their attachment; such is our reliance upon the oaths which they are at all times willing to take, that without hesitation or reserve we admit them to the highest of all trusts, that of legislative power; but the ground on which we do refuse them the rights and privileges which their fellow citizens enjoy, is their presuming to believe, that in those concerns of religion which relate not to actions but opinions, it is every man's duty, as it is every man's right, to follow the dictates of his own understanding. To be concluded by the evidence of another man's judgement, in opposition to the evidence of their own, they conceive to be as impossible as to credit the testimony of another man's sight in opposition to the evidence of their own eyes. It is this adherence to a necessary conclusion from self-evident premises; it is this attachment to an unavoidable inference from axioms, which no man living disputes; it is this uniform regard for the right of private judgement in matters of religion, which, in the contemplation of the law, outweighs all sense of their virtues as men, all esteem of their patriotism as citizens, all respect for their loyalty as subjects; it is this which has induced us to impose on them civil disabilities without the commission of any offence. It is this which has impelled us to subject them, as far as the law can subject them, to the same disabilities and the same dishonour with those who have been publicly convicted of wilful, corrupt, and deliberate perjury. Because you will not consent to be hypocrites, therefore, (say the laws) you shall be treated as if you were perjured. No office under the Crown, though your sovereign may invite you to his service; no commission in the army, though the enemy may be marching to the capital; no share in the manage-

management of any of the commercial companies of the kingdom, though your whole fortunes may be vested in their stocks, shall be yours: from the direction of the Bank of England, from the direction of the East India Company, from that of Russia, the Turkish and South Sea Companies, you are entirely debarred; for if you should accept of any share in the management of these Companies, or of any office under the Crown, or of any military employment, you are within the penalties of the statutes. In the first place, you forfeit to the informer the sum of 500l.; if you cannot pay that sum without delay, the penalty is imprisonment; if you cannot pay it at all, as may be the case with many a brave officer, who has offended against the law by fighting the battles of his country, the penalty is imprisonment for life. In the next place, you are incapable of suing for any debt. Does any one owe you money? Have you entrusted him with your whole fortune? It is in his power to cancel that debt, by annulling your means of recovering it; and for that act of dishonesty, of consummate fraud, of treachery in the extreme, the Parliament assigns him a reward of 500l. to be bequeathed from the wreck of your fortune. In the next place, the law denies you its protection: for the wrongs which he has done you, and for the insults and the injuries, however atrocious, which you have experienced from him, you shall have no redress: to the complaints of others against you, the ear of the magistrate is open; but to your supplications, to your prayers, to your complaints, it is from this time forward inexorably shut. You are condemned to wretchedness and beggary for life. In the next place, you are incapable of receiving any legacy; the inheritance bequeathed by your parents you cannot take, your rights as son are cancelled. In the last place, you are also incapable of being guardian to any child, even to your own. A former penalty annihilated your right as a child, this abrogates your privileges as a parent. Such are the strong coercions by which the Dissenters are excluded from the enjoyment not only of their most valuable privileges as citizens, but of rights which they hold by a higher title, and claim by a superior authority to any which civil governments bestow. How hard, then, is the situation of a Dissenter! If he should disobey the laws which exclude him from civil and military employments, and should accept of any office to which the choice of his sovereign, or the confidence of his fellow citizens may invite him, he is robbed of his fortune, stripped of his inheritance, deprived of his personal security, and bereaved of his privileges which result from the natural relation of a father to his child! If, on the other hand, he should acquiesce in the law, and pur-

sue no employments in the army, in the State, or in the commercial companies of the kingdom, he submits to the same disability and acquiesces in the same degradation which belongs to those who are convicted of wilful, corrupt, and deliberate perjury; he is loaded with the same punishments which are inflicted on those who have trampled on the first principles of religion, broken down the strongest fences of civil government, and violated the most solemn obligations of human society. Such disabilities, so imposed, are naked and undissembled wrongs, and, inflicted for religious opinion, nearly constitute persecution; for what is persecution but injuries inflicted for religious belief? it is its true definition, its just and accurate description. What, then, are the consequences which follow from these melancholy facts; injurious and, perhaps, unexpected as the conclusion is, we are compelled, by the evidence of truths which we cannot dispute, to acknowledge that the pretended toleration of the Dissenters is a real persecution—a persecution which deprives them of a part of their civil rights, and which, with the same justice, and on the same plea, might equally deprive them of the rest—a persecution which denies them the management of their property, and which, with the same justice, and on the same plea, might equally take from them the property itself—a persecution which deprives them of the right of defending their liberties and lives, and which, with the same justice, and precisely on the same plea, might equally deprive them both of liberty and life. If one degree of persecution may be justified, another degree of it, under different circumstances, may be justified also. Let but the principle be once admitted, and the inquisition of Portugal and Spain cease to be objects either of ridicule or of abhorrence.

In answer to the second question, whether any advantage could accrue to the Church or State from refusing to the Dissenters the common privileges of citizens, Mr. Beaufoy remarked, that those who contend that the Test and Corporation laws are essential to the safety of the Church of England, must mean that these laws are a protection to the tithes and other revenues which belong to the establishment, and to the offices and honours which constitute her hierarchy. The question consequently is, would the Dissenters, if the Test and Corporation acts were repealed, have either the disposition or the power to deprive the Church of her revenues or her dignities? That they would not have the disposition, he could prove from their conduct in the reign of James the Second, when they chose to share her hazards rather than desert her interests—from their present conduct in Ireland, where the Church acknowledges that she owes

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her safety to their attachment. The good will of the Dissenters towards the revenues of the church is ensured (and if the statutes in question were repealed would still be ensured) by particular circumstances. The circumstances were, that the Dissenters, generally speaking, (for there were undoubtedly many exceptions) belonged not to the landed interest of the kingdom, which bears the principal burden of the tythes, but to the commercial interest, on which the weight is comparatively light. The voluntary subscriptions of the Dissenters to maintain their own clergy, were too light to be felt as a burden, and in their destination and use they were constantly regarded as a privilege. The several denominations of the Dissenters differed as much from each other as from the established Church, and they were so far from being hostile to its ministers, that he believed the clergy themselves would acknowledge that of the voluntary contributions which they received from their parishioners, those of the Dissenters were in general the highest and most liberal. From these remarks on the dispositions of the Dissenters, Mr. Beauclerk passed on to the consideration of the additional power which would be given them by the repeal of the statutes in question. To such classes of the Dissenters as are not able to give a sufficient pledge of their civil obedience, it would be no acquisition. The Quakers, who undoubtedly were enemies, from principle, to the revenues of the Church, would still be excluded from the offices of executive government by their refusing to take the oath of allegiance. The Catholics, also, would still be excluded by their refusal to take the oath of supremacy. He did not mention the Methodists, because, unless the utmost ardour of devotion, and the strongest attachment to the doctrines of the Church could be called differing from the Church, he knew not on what ground they could be considered as Dissenters. The only persons who could derive an advantage from the proposed refusal would be the Presbyterians, the Independents, and the Baptists. This advantage would consist of nothing more than the liberty to serve the sovereign when he should call upon them for the aid of their integrity and talents; the liberty to serve their fellow subjects when they should elect them to offices of trust, and the liberty of hazarding their lives in defence of their native land. What possible injury would result to the Church from the restoration of rights in themselves so clear and undisputed? With respect to the safety of the Church, it did not depend on those who fill the subordinate offices of executive government, but upon the Legislature alone; and, in the Legislature, no possible alteration could be made by the repeal; for neither the Lords nor the Commons are required to take the sacramental

test, nor are those by whom the Commons are elected, in that way to qualify themselves for voting. One only objection had reached him, and this was, that if the Dissenters were gratified in their present request, new requisitions of less justice might follow. But was it possible the Legislature could be so forgetful of its own firmness, as to say to any part of the people, That which you justly ask we are afraid to grant, lest you should afterwards solicit more than you have a pretence to claim. What individual in private life, of common integrity, and of common fortitude, ever refused the payment of a just debt, lest he should afterwards be asked for money which he did not owe? But what farther requisitions could the Dissenters make? No grievance would be left, no oppression would remain. The three classes of Dissenters would have no bond of union; no common object of pursuit. The Dissenting interest would soon dissolve away, at the removal of the persecution which gives it strength and compactness, and the established Church would acquire of course additional stability and power. Proceeding next to consider the effect of the repeal on the interests of the State, Mr. Beaufoy asked what, on this subject, were the sentiments of King William the Third? With respect to the sentiments of the first of His Majesty's illustrious house who wore the crown of Great Britain, we fortunately know their nature; because the journals have told us how much they lamented that so many of their loyal and affectionate subjects should be excluded from their service. But the language of things is still stronger than that of those illustrious men; for who can reflect without indignation that so large a proportion of the most deserving citizens are excluded by law from the privilege of engaging in the defence of their country, their freedom, and their lives? Does the voice of a sovereign in a fearful and perilous season call the Dissenters to his service, or does the strong impulse of affection for the native land urge them to oppose their strength to the invading enemy, and to show him that his sword must pass through their breast before it can reach that of their country? Presumptuous men! what shall be your fate? From this time forward, you shall be treated as outcasts from the community. The law shall withhold from you the guards with which it protects the personal security of the subject; and even the rights of inheritance shall be taken from you. Do you complain, that, guiltless of any offence, except the offence of having bled for your country, you are subjected to penalties so severe? it is but the lightest part of your punishment; a higher scourge remains. It is on your feelings as parents that the laws shall inflict its deepest wound.

wound. Tainted in the eyes of your offspring as unfit to be trusted with the care of their education, or the superintendence of their morals, your natural affection shall be made the instrument of your severest anguish. O most incomparable system of most ingenious cruelty ! A considerable part of the best subjects of the kingdom cannot indulge their attachment to their native land, but at the expence of their attachment to their offspring. The passion of the father for his child, is opposed to his passion for his country. The barbarian, of whom we read in the papers on your table, that African tyrant who has carried the science of despotism to a perfection which Negro never knew ; even he aspires at nothing more than to destroy the family attachment, and to annihilate the parental feeling. He does not attempt to oppose the attachment of the father to the duty of the citizen ; but the British law is founded in deeper cruelty. Its object is to create a war of attachments, and to establish a conflict of passions. It is to make virtue inconsistent with virtue, duty irreconcilable to duty, affection incompatible with affection. Can such laws be consistent with the interests of the State ? When the kingdom, a few years since, was assailed by the adherence of another claimant of the Crown ; when the faith of a large proportion of people was dubious ; when the loyalty of many of those who were near the person of the King was thought to be tainted, and terror had passed even more than corruption had seduced, what was then the conduct of the Protestant Dissenters of England ? To say, that of the multitudes which composed that varied society, there was not one man, not a single individual, who joined the enemy of His Majesty's house, (unexampled as this proof of their loyalty was) is, however, to speak but the smallest part of their praise ; for at the very time when the armies of the State had been repeatedly discomfited ; at the very time that those who reached at His Majesty's crown were actually in possession of the center of the kingdom ; at the very time when Britain, unable to rely on her native strength, and hourly trembling for her safety, had recourse to foreign aid : at that very time, the Dissenters, regardless of the dreadful penalties of the law, and anxious for their country alone, eagerly took arms. And what was the return which they received ? As soon as the danger was passed by, they were compelled to solicit protection of that general mercy which was extended to the very rebels against whom they fought ; they were obliged to shelter themselves under that act of grace which was granted to the very traitors, from whose arms they had defended the crown, and the life of the sovereign. It was thus only that they escaped those dreadful penalties which they incurred by their loyalty, and which

which the irritated friends of the rebellion were impatient to bring down upon them. To the disgrace of our statutes, to the dishonour of the British name, to the reproach of humanity, these persecuting statutes are still unrepealed. Perhaps, added Mr. Beaufoy, I shall be told, that, however oppressive in speculation their injustice may be thought, instances of their active oppression have seldom been experienced; because, notwithstanding the frequency of trespasses upon their enactments, informations against these trespassers have seldom been exhibited. Can such a defence be urged in behalf of the statutes of a British Parliament? What is it but to say, that so flagrant is the injustice, so unqualified the oppression, so hostile to every feeling of humanity is the language of those statutes, that the most depraved informer, the most inveterate practiser on the fortunes and lives of his fellow subjects, will not take upon himself the odium of their execution. Rather than accept the enormous bribe by which the Legislature invites him to ruin the fortune of innocent and deserving citizens; rather than accept the enormous wealth with the view of which the Legislature tempts him to bring down upon the best men, punishments due only to the worst: rather than cancel that great bond of nature which unites the parent to his offspring; the ruffian who is in want of bread, resolves, at the hazard of his life, to seek it on the high way; for the deed to which the Legislature would urge him exceeds the measure of his depravity. Shall we then consider these statutes as harmless because they are too wicked for execution? Can this be accepted as a sufficient assurance that they will not be made as oppressive in their use as they are ferocious in their intent? It is too frail a reliance; it is too infirm a security. If there be persons (and I know there are many who have borne commissions in the army without the sacramental qualification) if there be any who have taken a part in the Bank of England, the East India Company, or any of the other chartered companies of the kingdom, or if there be any in the present or in the late administration who have accepted offices of trust without this legal requisite of the Lord's Supper, let me, Mr. Beaufoy said, entreat them to recollect to what terrible penalties they are at this very hour exposed, and whether they be Dissenters, or Members of the Church of Scotland, or persons who, for any reason, are willing to mix the sacred ordinances of religion with their temporal pursuits; then let me entreat them also to consider, that it is likewise in the power of every man to grapple with their peace; that it is in the power of every man whom avarice, animosity, or private revenge, may prompt to deeds of ill; that it is in the power of every man who has an interest

to serve, or a passion to gratify, at once to bring down such ruin on their heads, as would make them objects of compassion to the poorest and the meanest of their fellow-subjects.

As yet, continued Mr. Beaufoy, I have spoken as an advocate for a numerous description of my fellow-subjects, whose moral virtues I esteem, whose patriotism I revere, whose situation, as much-injured men, has strongly attached me to their cause, but to whose religious persuasion I myself do not belong. Permit me now, for a few moments, before I conclude, to speak of interests, in which I have a more immediate and personal concern, the interest of the Church of England. From all testimonies, ancient and modern, I have ever understood that the worst practice of which a Legislature can be guilty, is that of employing the laws of a country to degrade and make contemptible the religion of the country. For, what man is so little acquainted with the motives of the human heart, or knows so little of the history of nations, as not to be aware, that in proportion as he weakens in the people their respect for religion, he corrupts their manners, and in proportion as he corrupts their manners, he renders all laws ineffectual. Now, of all the solemn rites and sacred ordinances of her faith, there is not one so guarded round with terrors, and over which the avenging sword of the Almighty appears so distinctly to the view as the ordinance of the holy sacrament; for, "he who presumes to eat of that bread and to drink of that cup unworthily, eateth and drinketh his own damnation; he is guilty of the body and blood of Christ, and provokes the Almighty to plague him with divers diseases, and sundry kinds of death."—That these terrible denunciations may not be lightly and unthinkingly incurred, the Minister is directed, when he stands at the holy altar, to prohibit the approach of all persons of abandoned morals, and of a profligate life. Such are the injunctions of his religion; but the law tells him, that to those very persons, abandoned and profligate as they are, if by any means they have found their way to office, he must administer the sacrament. Is he informed, that the man who demands it, is covered with crimes; a smuggler, perhaps, (for such appointments have been at no time unfrequent) who has obtained his employment as a reward for having betrayed his associates, and for having added private treachery to a long course of public fraud? Is he also told, that this man, new as he is to office, is already supposed to have violated his oath, and that the weight of accumulated perjury is already on his head, still however the clergyman must comply with his demand; for, perjured as he is, the Test act has given him a legal right to the sacrament of the Lord's Supper. Should the Minister refuse, the expence of a ruinous
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suit would devour his scanty means, and consign him for life to a prison. Thus circumstanced, the Minister has no choice; yet, he cannot but know that, in taking it unworthily, he eats and drinks his own damnation! Such is the task which the Test act has assigned to these very men whose particular duty it is to guard their fellow-subjects from perdition, and to guide them in their road to happiness. If, in the records of human extravagance or of human guilt, there can be found a law more presumptuous than this, I will give up the cause. And to what purpose is this debasement of religion? If it be thought requisite that Dissenters be excluded from the common privileges of citizens, why must the sacrament be made the instrument of the wrong? why must the purity of the temple be polluted? why must the sanctity of the altar be defiled? why must the most sacred ordinance of her faith be exposed to such gross, such unnecessary prostitution? If there be persons who are too little attached to the theory of the Christian faith, to be shocked at the impiety, they must at least be astonished at the folly of such a conduct. For, who does not see that, in proportion as we degrade the sanctity of religion, we diminish our own power, and unnerve the arm of the Legislature? If the House has faith, as I trust and confidently believe they have, in the religion of their country, (and if they have not, God knows that the worst calamity which can befall Great Britain would be the revealing this secret to the people) is it possible that they can permit an ordinance, so entirely abstracted from all temporal pursuits, to be condemned to the drudgery of the meanest of human interests, to be subjected to the polluted steps of the lowest avarice, and of the most despicable ambition; to be dragged into the service of every insignificant stipend, and of every contemptible office, and, as if with a view to its utter debasement in the minds of the people, to be made a qualification for inspecting the loathsome receptacles of every thing hateful to be named, which is cast forth from the city.

The Saviour of the world instituted the Eucharist in commemoration of his death, an event so tremendous, that Nature afflicted, hid herself in darkness; but the British Legislature has made it a qualification for guaging beer barrels, and soap-boilers' tubs; for writing Custom-house cockets and debentures, and for seizing smuggled tea! The mind is oppressed with ideas so misshapen and monstrous! Sacrilege, hateful as it always is, never before assumed an appearance so hideous and deformed!

Endeavours have been often used to justify the legal establishment of this impious profanation, by comparing it with those provisions of our law, which enjoined the sanction of

an oath; but the argument equally insults the integrity and understanding of every man to whom it is addressed; for, though it be, indeed, true, that the Legislature, by compelling every petty officer of the revenue, and every collector of a turnpike toll, to swear deeply on his admission into office, and has made the crime of perjury more frequent than it ever before was in any age or country, yet how does the frequent commission of this crime against law, justify the establishment of a religious profanation by law? But, without commenting on the folly of pleading for a legislative debasement of religion in one way, by shewing that the Legislature has contributed to its debasement in another, what resemblance does the sacrament of the Lord's Supper, which is merely a religious institution, bear to the ceremony of an oath, which is an institution entirely political? An oath answers none of the purposes of religion; it neither promotes any of her interests, nor forms any part of her establishment. It belongs to the Jew, the Mahometan, and the idolator of every description, as much as it belongs to the Christian; but such are the arguments by which the Test and Corporation acts have ever been defended.

In conclusion, Mr. Beaufoy said, to the judgement of the House I shall now leave these persecuting statutes, perfectly convinced that their resolution will be such as the principles of justice, the dictates of religion, and, as connected with these, the interest and honour both of the Church and State, shall conspire to recommend.

Mr. Beaufoy having moved "That the titles of the act of Charles the Second, and of the Test act, be read," moved, "That a Committee of the whole House be appointed to take into consideration so much of the said acts as related to the Protestant Dissenters, and to report their opinion on the same to the House."

Sir *Harry Houghton*, seconding the motion, observed, that Sir Harry foreign nations, and particularly France and Sweden, were Houghton, so far from proving illiberally hostile to a diversity of religious opinions, that, in the former, a Roman Catholic country, Protestants were admitted into the fleets and armies, and in the latter, a Protestant country, Catholics found equal readiness of admission into the public service. Such ignominious fetters were not cast upon the minds of men either in Ireland or Scotland; yet, an Irish officer, in the very moment of landing in England, either must resign his commission, or else remain liable to all the penalties of the statutes.

The question having been read from the Chair,

Lord *North*, having premised that the question which the honourable Member (Mr. Beaufoy) had submitted to the decision

Lord
North

cision of the House, had, long attracting almost universal attention, called not only for their opinion, but for that of the Public at large, remarked, that there had been many discussions and parliamentary debates upon this subject, and he had already so frequently delivered his sentiments, that it became him now to offer, in some degree, an apology for claiming the attention of the House, and trespassing upon their patience. He could, indeed, have wished to have remained silent on the subject, but finding it hitherto impossible, from the strength of any argument which he had heard, to change the opinion he formerly entertained, he could not suffer this motion to pass, without submitting his ideas to the consideration of the House; and he trusted that the House would pardon him for claiming their attention, while he endeavoured to answer the arguments of the honourable gentleman who made this motion. This he wished the more earnestly, from a supposition which might be entertained that he acquiesced in the principle of the motion, if he remained silent on the subject.

In the course of what he might call rather a long life, he could not say that he recollected an attempt made to sap the foundation, and to destroy the fabric of the British constitution, which had not been more uniformly resisted by that House, and in which resistance no person more earnestly persevered than himself, than that upon which the present motion was founded; and he had thus acted, from the most firm conviction, that the violence at which the present motion aimed would, if carried into effect, prove the bane of the bulwark of the constitution of this country; he begged, however, to be understood, that while he thus took the liberty of mentioning the principles on which he had uniformly acted, he did not mean, in the most distant degree, to cast any reflection on those who differed from the established church in their mode of worship, but, on the contrary, he thought, that by their morals in general, their piety, and their learning, they became objects of great respect; and thus much was he desirous of previously declaring, with a view of informing those to whom he had the honour of addressing himself, that he wished not to be considered as speaking with malevolence or anger, if it should appear that he delivered himself with warmth upon this subject.

The question had been agitated two years ago, and was then decided; he should not blame the Dissenters for reviving their application again and again; and he hoped that they would pardon him for endeavouring to oppose it again and again.

Lord North now adverted to the question, whether the Dissenters had been treated improperly, and to the arguments
used

used upon that occasion. He agreed, that the Dissenters did not deserve punishment; but was the law which they now sought to repeal, a punishment on the Dissenters? No! it was a law which must be considered as an act of self-defence on behalf of the established church; it was also an act of self-defence of those who were the dearest friends of the constitution, and whose efforts contributed to preserve it. In his view of the principles of the constitution, as they applied to the present case, he wished it to be understood, that he held the unquestionable maxim "That it is essential to the interest of the constitution of this country, to support the established church," in the highest reverence, and could not submit to even the least endeavour to impeach its validity. Standing upon this impregnable ground, he wished to know by what doctrine it was that the propriety of insisting on the Test could possibly be resisted; for the intention of the Test was, and it was the meaning of those who framed it, that such a declaration shall be made as shall secure us in the fact that no person shall possess power, who are not well affected to the Government of this country; and until we do receive that security, it will be wise and necessary to have that regard for the Church which the laws now in question require.

The acts which the present motion made the objects of repeal, appeared, undoubtedly, entitled to some inquiry, and upon examination it would be found, that the Corporation act was not only against Popish Dissenters, merely from an apprehension of the dangerous tendency of their tenets, but was passed at a time when the different sectaries of Dissenters had possessed themselves of all the powers of the Church and State. For the truth of this doctrine, he did not expect the House implicitly to rely on his assertion, but he wished that they would refer to the act itself, and then they would find, that the act itself recites the principle on which it is founded to be that of the great and improper influence of different sectaries of Dissenters from the Church of England; indeed, the fact was notoriously so; for it was well known that at that period of time there were no Papists, because the sectaries had banished them. The sense on which the act passed, was that of preventing, not the Papists, for at that time they were banished, but different sectaries among the Protestant Dissenters, from continuing in possession of very dangerous and destructive power, and for the purpose of preventing, as much as possible, their ever again obtaining such power. He admitted that the Test act was levelled particularly against Papists; but still he felt himself entitled to maintain, that both the Test and Corporation acts were designed to extend to all species and denominations of Dissenters; for this doc-

trine he had the highest and the best authority; such, indeed, as he believed would not be doubted; it was the authority of the Prince of Orange, who had decisively delivered his opinion upon this point, and had unequivocally declared that there ought to be in this country a fixed and an established church, paramount to all other sects, and their modes of worship. In such an opinion, this great Prince was not singular; for, the Lords and Commons, upon the most mature deliberation, entertained the same sentiments; and among those who composed the Lords and Commons of that day, were to be found characters perhaps, of all others, in any æra whatsoever, the most enlightened, and the most friendly to liberty, and the true principles of the Constitution: and if any difference of opinion could now possibly arise upon the meaning of the Legislature of that day, the better way to explain all the difference, and to obviate all the difficulty, would be to refer to the act, which must, of course, explain itself. An attention also to the history of those days, and the manner in which the Parliament had acted upon other laws, would be very proper. By this reference to history, it would be found, that the Parliament of that day had not wildly or furiously determined on retaining all the penal laws, and to avail itself liberally of all the advantages which it might at that period possess; for at that time they had removed the act of recusancy, but they had determined that the Test act should remain; and for this, their great reason was, because the Dissenters could not, without danger to the Constitution, enjoy the power which they then held.

To the idea which had often been mentioned, with respect to the hardship under which the Dissenters labour, because they are deprived of all participation of power in this country, and consequently deprived of what other members of the community enjoy, he should beg leave to oppose the answer, that an exclusion from power in society is not a deprivation of natural right; for that power, honour, and trust must depend upon the will of the Sovereign, regulated as it is in this instance, by a particular act of Parliament; and if we say, that in this instance the law is unjust, we must say that Parliament has exceeded its authority, and by so doing, we confound two very distinct powers indeed; and these are, Government and the power of the King. This distinction would appear very clear to those who should take the trouble of reflecting upon the subject.

Much stress had been laid upon the subject of debate, by way of allusion to foreign powers; upon this it would be well to recollect; that those foreign powers are arbitrary, and very different from us in the mode of enforcing laws; for there the Monarch employs whom he pleases; nor is there

there any rule but his own will to guide his conduct, and if any inconvenience should arise from his caprice, no inquiry can take place into the conduct of his advisers. In short, the will of the Monarch is absolute, and therefore the essence of all government; but England is governed by known laws, nor need we look to foreign nations for information, when we have such copious matter for perusal in our own country. But the gentlemen on the other side would say, that, in this enlightened age, they called for complete toleration; to which he would answer, they have complete toleration; and if the truth of this assertion were doubted, he should be obliged to any gentleman for pointing out wherein there was to be found any defect in the system of toleration. Had we any interference from the Church, or any other Power, with respect to the mode of our devotion? Was there any rule laid down with respect to the mode of our education? or was there any instance wherein any power whatsoever interfered with the religious pursuits of persons in private life? If there were any of those, then should he, as earnestly as others, come forward, to join in endeavouring to wipe them away. It appeared, however, that the Dissenters wanted not a toleration only, but also a participation of power. Upon this point, nothing new, in his opinion, could be advanced; he at least had given his opinion already, which he should now decline repeating. But, for the idea entertained and hinted at, that the present motion went in effect to save the Ministers of the Church of England from a penalty for receiving a person, and administering the sacrament to him, who is notoriously an evil doer, his opinion was this, that if any person applied to have the sacrament administered to him, and the priest should know such person to be an evil-doer, then the priest would be sanctioned by the Rubric, nay, by the ecclesiastical and canon law, he was obliged to refuse administering the sacrament to such person; and it should always be remembered, that this is the law, and the minister acting under the law will always be protected by the law. There is no law which obliges the minister to admit such a person, and therefore he can now reject and refuse the sacrament to the very same persons as they could before the acts in question. It had been industriously circulated, that the Test act ought to be considered as an admission into office; this he begged leave to deny; it was not an admission into office, but that sort of security which the law required, in order to be satisfied that those who are intrusted with power are friendly to the State.

Notice had been taken of the point of profanation offered to religion, by introducing a test for a civil office, and it was contended that there was a great difference between a religious

ous test, and an oath for the due discharge of the duty to a civil employment. Upon this idea, he wished to be understood to say, he considered an oath not only as a religious test, but a religious act of the most solemn nature; for it was a solemn appeal to the Creator of the truth of an assertion; a circumstance, in his opinion, which could not, in the course of human events, be exceeded in solemnity. Adverting to the point upon which so much has been said relative to the Indemnity act, which annually passes the House, this, he said, was the practice of Parliament, not from a sense of the propriety of the Corporation and Test acts, but from a candid allowance for mistakes and errors; and here, he could not help observing, that those who took advantage of those indemnity acts, and afterwards used their operation in argument to favour the repeal of the Corporation and Test act, did not come before the Parliament in the most candid manner, nor could they therefore be deemed the fairest objects of lenity and favour; and as to the hardships which had been often mentioned as arising out of the penalties of five hundred pounds to be imposed upon persons disobeying these laws, it was necessary only to observe, that those penalties were to be levied only on those who wantonly transgressed the law; for, that all those who erred from mistake, were objects of the Indemnity bill; and those who act in defiance of a law, well knowing its tenor, were not fair objects of favour, because such an act in contempt of the laws, destroy the compact of society. Notwithstanding that he agreed in the opinion, that the Corporation and Test acts are not founded on the law of nature, yet he humbly presumed that this was a futile objection, and that it would be found that, in a state of society, it is impossible for any mode of Government to be completed by this distinction; indeed, if reference were had to any of the laws of the customs or revenues, they would be found to have no analogy to the laws of nature; and yet no friend to his country would contend that obedience to those laws ought not always to be observed. It had been remarked, that this law, thus imposing penalties on persons refusing or neglecting to observe it, has never been put in force, and wisely had it never been put in force, because there was no proof that it was ever disobeyed. The greatest reverence had hitherto been entertained for a favourite maxim in the law of this country: That to preserve the Church is to preserve the State; but if the present motion was agreed to, the maxim must then be abandoned; and he believed those who valued the real excellence of our constitution, would have no reason to rejoice at the innovation in the laws; for that distinction upon religious topics, was what wise men have ever been desirous of

of avoiding; and therefore we should regard, with caution, every point which tends to create distrust in the established church.

As he had so amply expatiated concerning the principle of the Test act, it would not be unreasonable to expect he should hint at the cause of that act, and upon this point he felt himself warranted in declaring, that the act in question was not the effect of the wanton disposition of those who wished exclusively to favour the established church, but it was an act forced from the Legislature by the violent temper of the times, and he had no scruple in declaring, that the Test act did preserve the constitution of the country; for when the King endeavoured to overturn the constitution of this country, nothing stood in his way but the Test act and penal laws; these were the only stumbling blocks which the tyrant met in his way, when he attempted to acquire unrestrained power; the removing of this act, therefore, would be injuring the Church, and undermining it, and to undermine the Church was to destroy the liberty of the whole kingdom; for that liberty was, in his opinion, inseparably connected with the safety of the Church.

Lord North now entered into an historical detail of the progress of religious regulations; he instanced circumstances in the reign of James and of Charles the Second, wherein, he said, the cause of the Church was the cause of the State; and if it was so then, it ought to be so now; for the Church is now as dear as ever; nay, she is now more dear than ever, because she unites liberality with loyalty, and because she has, for upwards of one hundred years, been purifying from the gross superstitions of darker times. The Church is now purified, and brought to the standard of true christianity. This being the case, he did not wish to see the Dissenters attempt to poison the pure stream; he hoped, therefore, that the House would pause before they pass the line, thus wisely and cautiously drawn a century ago. There was no tyranny in the idea of not admitting any set of individuals into power, and the subject of the present application did not arise from the thought of the Dissenters being oppressed, but from the mildness of the Church; and it would be hard indeed if the Church should suffer in consequence of her own virtues. Some persons among the Dissenters had taken the Test, and he believed they did so without infringing the principles of their religion, and those who will take it, did not, in his opinion, appear objects of farther lenity; indeed, when the House recollected the length of time the acts had subsisted, and that it particularly behoved them not to be carried away with a blind attention to words, and thereby allow a participation of power, instead of a toleration of opinion; (for, that would be

be the case, if they indiscriminately attended to the bewitching words "universal toleration.") if the House consented to this, they might one day become the object of that toleration from others, which to others they now extend.

In conclusion Lord North intreated the House to forgive him for the length of his address, but it was a subject near his heart, and perhaps they might never hear him enter even once more into; but, before he sat down, he should most earnestly implore the House to pause again and again, before they voted for this Committee, and to reflect that should the abolition of the whole law, at any time, take place, the dearest interests of the country would receive a blow too violently dangerous to be without the utmost difficulty repaired, would prove injurious to the interests of this country.

Sir James Johnstone. Sir *James Johnstone* observed that he meant to vote in favour of the motion made by the honourable gentleman who opened the debate. When the subject fell last under discussion he had indeed taken a different ground, because he then conceived that all the old women and children would cry out, "the Church was in danger?" but he found there had been no such cry, and he was fully persuaded that there had not been any grounds for such a cry at all. He felt it more than difficult to suppose that the highest power and authority which freemen could bestow on freemen, should be withheld from Dissenters, or that it would be more abused by them, than by persons of the established church. The noble Lord had said, that the constitution of this country depended on the preservation of their civil and religious liberties, and that if they began to change the principles on which they were established, they would be in danger. If that were to be admitted as a reason for not repealing the Test act, it would apply universally and operate against the repeal of every statute however absurd, and fit to be expunged from the statute-book. Let the House remember that even so recently as in the year 1727, an idea was entertained by the Legislature, that old women had more power than young ones, and the statutes against witches remained in force. For his part he wished for universal toleration, and that in every town throughout the kingdom there should be different sectaries. There were (he understood) two Ministers of the Church of England in that House, why should there not be two dissenting Ministers likewise, and of every other description.

Mr. Smith. Mr. *Smith* begged leave first to advert to the declaration of the noble Lord, (North) in the blue ribband, that, whether a notorious ill-liver had a place, or employment, or not, a Minister was equally warranted in refusing to administer the sacrament to him, and therefore was relieved from the difficulty,

culty, which the honourable gentleman who made the motion, had stated him to labour under. He believed that the noble Lord would find but very few lawyers prepared to assert that the law stood upon the ground where he had placed it. His quarrel with the Test act (Mr. Smith said) was not for its inadequacy, but for its partial adequacy, since it bore upon some Dissenters and not upon others. The noble Lord had asserted, that it only meant to affect one class of Dissenters, since no Dissenters were excluded from the participation of power by the operation of the Test laws, but such as were determinately against the discipline and doctrines of the Church of England. The noble Lord must know but little of the opinion of the Dissenters if he thought in this manner. Their objection lay against the making a religious ceremony the test of taking a civil office, and their objection would equally hold good if they were to be called upon to take the sacrament in their own meetings. Mr. Smith pointed out the difference between taking an oath and taking the sacrament, the first (he said) was only a solemn affirmation in the presence of God, that what one said was true, the other was an avowal that they belonged to the established Church of England, and approved of the doctrines and discipline of that church. An oath therefore was a civil proceeding, a sacramental test, a religious ceremony. With regard to the inadequacy of the Test act, as the matter stood at present, a man might come to the table and qualify himself for office by receiving the sacrament, and both an hour before and an hour afterwards he might publicly profess that he did not belong to the established church, and that he disapproved of its discipline and doctrines. With regard to the noble Lord's declaration, that the religion of the country was necessarily connected with the State, and a part of the government, he must own himself not to be convinced by the noble Lord's argument. That the opinion was not generally recognized, he would shew by reading a short quotation from the work of a very respectable clergyman, (Mr. Archdeacon Paley). Mr. Smith here read an extract, in which the Archdeacon states, that if ever the religion of the country was considered as part of the government of the country, or even as its ally, and used as a political engine of state, the most mischievous consequences would result from the exercise of its influence. The noble Lord's declaration that the existence of the Test act was essential to the security of the country he could not admit, neither could he conceive that the discipline and doctrines of the Church of England might not remain in full force, if no legal impediment were thrown in the way of Dissenters. The restraint which did not cure an evil, was a punishment; and the restraint imposed

upon. Dissenters did not cure any evil that existed. It appeared not less ridiculous than oppressive to contend that it was necessary for the security of the established Church, that no Dissenter should be in the meanest office. Did the doctrines of the established Church require protection? Surely this position would not be admitted, for no man would say that, supported by the great luminaries which now dignified the Bench, supported also by the two Universities, the sources of their principles, they could possibly stand in need of succour. Besides the Doctrines of the Church of England were as much in danger of being attacked at that moment, as they would be if the Test act had been repealed. Because a few Dissenters might not approve the doctrines of the Church of England, and, not approving, might arraign them in argument, was that a reason for imposing disabilities and severe restrictions upon the whole body of Dissenters? Truth always would prevail; but when falsehood existed, the secular power of the country was required to support it. The noble Lord had said the existence of the Church and the existence of the Constitution went hand in hand. He thought him mistaken; and as a proof that the history of the Church did not bear the noble Lord out in his assertion, the noble Lord himself conceived it proper, soon after his historical deduction of the state of the Church to refer to a period in which the Church of England had acted with a spirit of violence, and a spirit of intolerance. The noble Lord had asserted, that a participation of power was not necessary to complete toleration. He could prove that it was, and why was it not? the only reason assigned was, that it might enable Dissenters to share in the power accompanying office. If, to be admissible to office, was a right belonging to other subjects, why ought not every good subject to be equally entitled to possess it? Mr Smith declared it to be a most fallacious argument to say, that because the law did exist, it was therefore just and ought not to be repealed. He reminded the House, that the law before repealed in favour of the Dissenters, had stood exactly in the same situation as the Test act did. The same sort of objections had been urged against its repeal, and many applications had been made before it was repealed. The idea was, that it would put Dissenters in a new situation, if the Test and Corporation acts were repealed, and that they ought not to be repealed, because it would give influence to the Dissenters; for the very same reason they might say that men should not grow rich, because riches undoubtedly gave influence, and yet the Dissenters were not debarred from acquiring wealth. With regard to the practice of foreign countries in employing Protestants, the noble Lord had said it was one of those trivial advantages belonging

to arbitrary power; if it be a trivial advantage, why should not this country possess itself of it? The noble Lord had thought proper to contend that the Dissenters made an ill use of the laws of the country by taking advantage of the Indemnity bills, and never qualifying. What were the Indemnity acts passed for, but to be resorted to as a protection against the consequences of not having conformed? Surely, it was folly in the extreme to preserve upon the statute books, acts which they were ashamed to enforce, and the disrespect avowed for which, rendered a repetition of Indemnity acts annually necessary. Mr. Smith trusted, however, that the impression made by the noble Lord would be effaced by the arguments of some gentleman, more able to do justice to the subject than himself. The noble Lord had not displayed his usual liberality and candour, he had spoken with great solemnity of manner, but his arguments, if they deserved the name, bore a similitude to the old cry re-echoed through the kingdom in the time of Sacheverel, "the Church is in danger." How weak, how fallacious, was this reasoning of the noble Lord! He hoped, therefore, to hear his sophistry refuted, and his pompous nothings thoroughly exposed.

Lord North answered, that several points which the honourable gentleman had stated, must have arisen either from his not having expressed himself properly, or from the honourable gentlemen's having misunderstood him. What he said concerning the operation of the Test act, was, that it only excluded those Dissenters from power, who had so perfect an aversion from the doctrine of the Church of England, that they refused to communicate with that Church. Another objection to what he had said, was about the law; he would re-state his argument—it was this: If any notorious evil-doer offer himself to receive the sacrament, he might be rejected; and his having or not having a place did not at all make the case different. The minister might reject him, nor did such rejection render the minister liable to any punishment. If the minister had good reason to believe the person applying for the sacrament was an evil-doer, he might refuse it. That he apprehended to be the law, and he should continue to apprehend so till he heard from good authority that it was contrary. What hurt him most was, the honourable gentleman's having charged him with illiberality in saying that some of the Dissenters had abused an act of Parliament. The fact he understood to stand thus: the Indemnity acts were frequently introduced, and the persons who had taken offices and not qualified, instead of availing themselves of the opportunity afforded by the act of Indemnity, did not conform, but waited till another act

act came forward, and so on from time to time, without taking the Test at all. This, he must contend, was an abuse of the indulgence of the Legislature. He hoped, however, that the honourable gentleman would not from this conclude that he had any personal ill will against the Dissenters in general. He knew them to be a very respectable and meritorious body of men, and that several of them had distinguished themselves eminently by their writings. A Dissenter might make as good a magistrate as another, but he spoke against his acting contrary to law, and taking advantage of its indulgence. He hoped his arguments had not made the same impression on the House as they appeared to have done on the honourable gentleman. As to their having been pompous nothings, experience and reason were the grounds of his argument, and he flattered himself there was more of sense and solidity than pomp and nothingness in what he had uttered. With regard to the connection between the Church and State, he must maintain that assertion; and, if the House would recur to history, they would find that when the Church tottered, the State tottered likewise, and that the ruin of the former had regularly preceded the ruin of the Constitution. Would that be termed pompous? At the same time he had said that the principles of the Church might be carried too far, and had instanced, when her conduct had been marked with intolerance and violence of spirit. He could only impute the honourable gentleman's disrespect for his argument, and his termining it sophistry, and a series of pompous nothings, to the circumstance of its having been delivered by one of the weakest Members in the House; the same argument advanced by any other gentlemen, he trusted, would be thought to have some weight; yet he did not blame the honourable gentleman for differing with him in opinion. The honourable gentleman had a right to see the matter in one point of view, as much as he had to consider it in that in which he had for years been accustomed to think concerning its nature. He complained not of the matter of the honourable gentleman's objection; but could have wished to have received as much candour from the honourable gentleman, as that with which he himself had treated the subject.

Mr. *Smith* begged leave to observe that the noble Lord, far from favouring him with a satisfactory answer, had merely repeated his former assertions. The Dissenters, as he had before stated, did not object to the sacramental Test on a principle of hostility to a rite of the established Church; they objected to it simply as a religious test, and not a civil matter; and their objection would be the same, were they to take the Test in their own Meetings, as the table of the Communion

Communion of our Church. For that part of his speech which appeared to have made a more serious impression on the noble Lord's mind, than he by any means intended; he was very sorry, and if any apology from him for having used the expression, would satisfy the noble Lord, he was ready to make it. With regard to the noble Lord's asking whether his references to history were pompous nothings, that was not the question; the question was, whether the noble Lord's historical deductions applied or not? In his opinion they were groundless.

Mr. Fox remarked, that on the present occasion, he did Mr. Fox. not feel himself under the necessity of trespassing, for any length of time upon the indulgence of the House; because the nature of the subject now under their investigation had been so thoroughly examined, and so amply and variously reasoned upon, not merely within the walls of Parliament, but in every corner of the kingdom, that it was not in his power to give the force of novelty to arguments, the frequency of the repetition of which must still live within the general remembrance. He could not avoid declaring at the outset, that he experienced an insurmountable difficulty in submitting to that opinion of the honourable gentleman who spoke last, which had led him to describe the reasonings of the noble Lord in the blue ribband as weak, fallacious, and pompous nothings. Although even the solid and brilliant abilities of the noble Lord could not impart an irresistible weight to that side of the question which he had chosen to espouse, yet their exertions were too formidably respectable to lay open to the lash of either levity or contempt. He was, however so much accustomed to find the House adopt a contrary opinion to that which he endeavoured to maintain, that he was apprehensive that the noble Lord's arguments would have more weight with the majority of the House than his. Whatever sentiments gentlemen might have formed with respect to religion, with respect to an established Church, to toleration, or to the length to which it ought to extend, there could, in his opinion, be no objection to a motion which went only to a Committee of Enquiry. If the Corporation and Test acts should appear to be wrong in their principle, they certainly ought to be repealed; if they were right in their principle, it might, perhaps, be found that they were inadequate to the purpose for which they were enacted. In either case, examination and enquiry might do much good, and could not possibly prove injurious.

The first question which naturally presented itself was, whether the Church and the Constitution were necessarily connected and dependant on each other, and in what degree?
and

and on this point the House, he trusted, would be careful how they assented to the proposition of the noble Lord. For his own part, he should not scruple most unequivocally to declare, that he conceived that religion should perpetually be distinct from civil government, and that it was no otherwise connected with it, than as it tended to promote morality among the people, and thus conduced to good order in the State. No human Government had a right to enquire into private opinions, to presume that it knew them, or to act on that presumption. Men were the best judges of the consequences of their own opinions, and how far they were likely to influence their actions; and it was most unnatural and tyrannical to say, "As you think, so must you act. I will collect the evidence of your future conduct from what I know to be your opinions." The very reverie of this was the rule of conduct which ought to be pursued. Men ought to be judged by their actions, and not by their thoughts. The one could be fixed and ascertained, the other could only be matter of speculation. So far was he of this opinion, that if any man should publish his political sentiments, and say in writing, that he disliked the constitution of this country, and give it as his judgement, that principles in direct contradiction to the Constitution and Government were the principles which ought to be affected and maintained, such an author ought not, in his judgement, on that account, to be disabled from filling any office, civil or military; but if he carried his detestable opinions into practice, the law would then find a remedy, and punish him for his conduct, grounded on his opinions, as an example to deter others from acting in the same dangerous and absurd manner. No proposition could, he contended, prove more consonant to common sense, to reason, and to justice, than that men were to be tried by their actions, and not by their opinions; their actions ought to be waited for, and not guessed at, as the probable consequence of the sentiments which they were known to entertain and to profess. If the reverie of this doctrine were ever adopted as a maxim of Government, if the actions of men were to be prejudged from their opinions, it would sow the seeds of jealousy and distrust, it would give scope to private malice, it would sharpen the minds of men against one another, incite each man to divine the private opinions of his neighbour, to deduce mischievous consequences from them, and thence to prove that he ought to incur disabilities, and be fettered with restrictions. This, if true with respect to politics, was more peculiarly so with regard to religious opinions, and from the mischievous principle which he had described, flowed every species of party zeal, every system of political intolerance, every extravagance of religious hate.

hate. In this position, that the actions of men, and not their opinions, were the proper objects of legislation, he was supported by the general tenor of the laws of the land. History, however, afforded one glaring exception, in the case of the Roman Catholics. The Roman Catholics, or, more properly speaking, the Papists, as the noble Lord had very justly called them, (a distinction which, he trusted, was perfectly understood by all who heard him, and would ever be maintained by the English Roman Catholics in time to come) had been supposed by our ancestors to entertain opinions which might lead to mischief against the State. But was it their religious opinions that were feared? Quite the contrary. Their acknowledging a foreign authority paramount to that of the Legislature; their acknowledging a title to the Crown superior to that conferred by the voice of the people, their political opinions, which they were supposed to attach to their religious creed, were dreaded, and justly dreaded, as inimical to the Constitution. Laws, therefore, were enacted to guard against the pernicious tendency of their political, but not of their religious opinions, and the principle thus adopted, if not founded on justice, was at least followed up with consistency. Their influence in the State was feared, and they were not only restricted from holding offices of power or trust, but rendered incapable of either purchasing lands, or acquiring influence of any kind. But the Roman Catholics of those times, and not the Roman Catholics of the present day, were Papists, in the strictest sense of the expression, even upon this ground, Mr. Fox observed, that he should hold himself justified in declaring that the Legislature ought not to have acted against them, until, by carrying into practice some of the dangerous doctrines which they were thought to entertain, they had rendered themselves obnoxious to those penalties which, in the case of such a perpetration, it threatened to inflict. Disability and punishment ought to have followed, but not to have anticipated, offence.

Those who attempted to justify the disabilities imposed on the Dissenters, must contend, if they argued fairly on their own ground, not that their religious opinions were inimical to the established church, but that their political opinions were inimical to the constitution. If they failed to prove this, to deprive the Dissenters of any civil or political advantage, was a manifest injustice; for, it was not sufficient to say to any set of men, "We apprehend certain dangers from your opinions, we have wisely provided a remedy against them, and you who feel yourselves aggrieved, calumniated and proscribed by this remedy, must prove that our apprehensions are ill founded." The *onus probandi* lay on

on the other side; for, whoever demanded that any other person should be laid under a restriction, it was incumbent on him first to prove that the restriction was necessary to his safety by some overt act, and that the danger which he apprehended was not imaginary but real. To such a ground as this the noble Lord in the blue ribband had not endeavoured to advance; but, on the contrary, had expressed himself concerning the Dissenters in terms the most liberal and handsome. For what reason? Because he felt that encomiums of this nature must be considered as a candid adherence to true propriety, and to the principles of common justice. He knew that they had been steady in their attachment to Government; that their religious opinions were favourable to civil liberty, and that the true principles of the constitution had been remembered and asserted by them, at times when they were forgotten, perhaps betrayed, by the Church. Such had been the character of the Dissenters. Were their political opinions now different from what they had been at any one preceding æra? Were they more formidable from their numbers, more dangerous from their principles, more considerable in any respect, except, perhaps, from the talents of some of their members? No assertion of this kind had been ever made; and the noble Lord finding their exclusion from an equal participation of power with their fellow-subjects, a topic on which it was impossible for him to serve his cause, had entered on a more pleasing theme; a panegyric on the Church of England; which, he said, had shared the dangers and the fate of the State, had sunk and risen with the Constitution, and therefore ought to be peculiarly endeared to us. He felt no difficulty in acknowledging the justice of this encomium; but he could not consent to adopt the conclusion—that the happiness of the State was dependant on the flourishing state of the Church; for who that perused the history of those dangers which the Church had shared in common with the State, but must see that the Church might have been triumphant, while the State was in ruin? Was it seriously to be contended, that religion depends on political opinions; that it can subsist only under this or that form of government? It was an irreverend and impious opinion to maintain, that the Church must depend for support as an engine or ally of the State, and not on the evidence of its doctrines, to be found by searching the scriptures, and the moral effects which it produced on the minds of those whom it was its duty to instruct. The noble Lord had praised the moderation of the Church. To this, however, there were some exceptions. In the reign of Charles the Second, her fortitude had been greater than her moderation; in that of James the Second, her servility had been greater than

than either; under King William, and still more, under Queen Mary, so little had the clergy been distinguished for moderation, that they frequently disturbed the nation by their affected alarms for the safety of the Church; and he never apprehended persecution to be so near, as when those who were actually possessed of power, cried out that they were in danger; thus justifying the truth of the well-known remark,

“ Omnia formidant, formidanturque tyranni.”

Since the accession of the House of Brunswick, that auspicious era in the history of the Constitution, the Church had merited every praise, because it had not been indulged in either its whims or its imaginary apprehensions. Since that time, it had flourished and improved; but how? by toleration and moderate behaviour. And how had these been produced? By the members of the established Church being forced to hear the arguments of the Dissenters; by their being obliged to oppose argument to argument, instead of imposing silence by the strong hand of power, by that modest confidence in the truth of their own tenets and charity for those of others, which the collision of opinions in open and liberal discussion among men living under the same Government, and equally protected by it, never fails to produce. Moderation, therefore, and indulgence to other sects, were equally conducive to the happiness of mankind, and the safety of the Church; and for that moderation and liberality of sentiment, by which the Church had flourished during the two last reigns and the present, was she indebted to those very Dissenters from whom she thought herself in danger. With regard to the Test act, he thought that the best argument which could be used in its favour was, that if it had but little good effect, it had also little bad. In his opinion, it was altogether inadequate to the end which it had in view. The purport of it was, to protect the established Church, by excluding from office every man who did not declare himself well affected to that Church. But a professed enemy to the hierarchy might go to the communion table, and afterwards say, that in complying with a form enjoined by law, he had not changed his opinion, nor, as he conceived, incurred any religious obligation whatever. There were many men, not of the established Church, to whose services their country had a claim. Ought any such man to be examined before he came into office, touching his private opinions? Was it not sufficient that he did his duty as a good citizen? Might he not say, without incurring any disability, “ I am not a friend to the Church of England, but I am a friend to the Constitution, and on religious subjects, must be permitted to think

“ think and act as I please.” Ought their country to be deprived of the benefit which she might derive from the talents of such men, and His Majesty prevented from dispensing the favours of the Crown, except to one description of his subjects? But whom did the Test exclude, the irreligious man, the man of profligate principles, or the man of no principle at all? Quite the contrary; to such men the road to power was open; the Test excluded only the man of tender conscience; the man who thought religion so distinct from all temporal affairs, that he held it improper to profess any religious opinion whatever, for the sake of a civil office.— Was a tender conscience inconsistent with the character of an honest man? or did a high sense of religion shew that he was unfit to be trusted? But the noble Lord contended, that the established Church ought to be protected. Granting this, it was next to be enquired, what was the established Church? Was the Church of England the established Church of Great Britain? Certainly not; it was only the established Church of a part of it; for, in Scotland, the Kirk was as much established by law, as the Church was in England. The religion of the Kirk was wisely secured as the established religion of Scotland by the articles of Union; and it was surely absurd to say, that a member of the Kirk of Scotland, accepting an office under Government, not for the service of England exclusively, but for the service of the united kingdoms, should be obliged to conform, not to the religious establishment of Scotland, in which he had been bred, but to the religious establishment of England. It was singular to contend for any principle of persecution, when the only principle on which it could ever have been reconciled to a rational mind was abandoned, not only in speculation, but in practice. In ancient times, persecution originated in the generous, though mistaken principle, that there could be but one true religion, but one faith, by which men could hope for salvation; and it was not only as lawful but meritorious, to compel them to embrace the true faith, by all the means, of whatsoever nature they might prove, which offered. The rectitude of the intention might, perhaps, be some excuse for the barbarity of the practice. But how did we act? We acknowledged, not one true religion, but two true religions; a religion for England, and a religion for Scotland; and having been originally liberal in the institution of two Churches of equal right, we became illiberal in our more enlightened days, and granted to the members of one established Church, what we denied to those of another, equally established. According to this doctrine of protecting the Church of England, if the practice had kept pace with the principle, the country must have been deprived of all those
gallant

gallant characters of the Kirk of Scotland, who had so eminently distinguished themselves in the army and the navy; and of all those celebrated legislators and senators who had added learning and dignity to the courts of justice, and wisdom to His Majesty's councils. If Tests were right, the present was clearly a wrong Test, because it shunned all the purposes for which Tests were originally introduced. The candor of the noble Lord, and the information which, doubtless, he had collected, upon inquiry, since, Mr. Fox said, had enabled him to satisfy the House in a point which had not been answered two years ago, and that was, in the case of a person who was a notorious evil doer, who applied for the sacrament. The manner of the noble Lord's answer was rational, and, from the good sense of it, he had no doubt that it was the true answer; but, upon this ground, it might be proper to take a serious view of the melancholy situation of the person who, upon application to a minister, had been refused the sacrament. From that very moment, did he incur the penalties of the act; from that moment, was he punished in a manner perfectly unexampled, and unauthorised by the laws of the land; from that moment, was he convicted without a trial by jury, and disabled from enjoying an office which His Majesty, in the legal exercise of this prerogative, might have thought proper to confer upon him. Much boasted reliance had been placed upon the old argument of the length of time that the Test and Corporation acts had subsisted. It was true, that they had so subsisted for nearly a century; but how had they subsisted? By repeated suspensions; for the Indemnity bills were, he believed, literally speaking, annual acts. With regard to the noble Lord's argument relative to the evading of these Indemnity bills, he admitted that if any person neglected to conform merely for the sake of evading the law, he certainly acted in direct opposition to an act of Parliament, and did not conduct himself as a good subject ought to do. While an act was deemed fit to remain in force, it was the duty of every good subject not to evade it. Indeed, the only justification of evading a statute which could be for a moment maintained, was, where that statute notoriously ought not to remain in force. He trusted, however, that the House would consent to go into the Committee, to examine whether it was fitting or necessary to be repealed or not, and not deny the requisition, as if they were ashamed even to look at the statutes in question. He trusted, that it was surely necessary to remind the House that, in consequence of a violent alarm from the Papists, the Test act had been introduced, with a view to exclude them, and them only, from office; that the Dissenters had cordially joined in it, and consented to their own exclusion

exclusion, thinking that a less evil, than to leave the door open to Papists. “ And is it possible, therefore,” added Mr. Fox, “ that you can thus ungenerously requite them; thus “ take a most unbecoming advantage of their patriotism, and “ convert what they consented to as necessary for the general “ safety at that time, into a perpetual exclusion against “ themselves? Is it thus that the Church would reward the “ service which they had done her in the day of her distress?” Adverting to the occasional Conformity act, which had been repealed a few years since, Mr. Fox observed, that they had heard, during the course of the debate, that the Church of England was in its glory; the Church of England, therefore, according to the arguments of the noble Lord, and the advocates for the continuance of the statutes, which, he contended, were at once too needless and too unjust to remain in force any longer, had not suffered, but gained by what they feared would have proved detrimental to her interests. The Dissenters had been stated to be pious, and good men; but it had been said, that they might, nevertheless, be no friends to the Church of England. Surely, if they were dangerous any where, it must be as Members of Parliament, and as electors of the representatives of the People; and yet they are suffered to sit as the one, and vote as the other. Mr. Fox declared that, for his own part, he was a friend to an established religion in every country, and wished that it might always be that which coincided most with the ideas of the bulk of the State, and the general sentiments of the People. In the southern parts of Great Britain, Hierarchy was the established Church, and in the northern, the Kirk; and for the best possible reason, because they were each most agreeable to the majority of the people in their respective situations. It would, perhaps, be contended, that the repeal of the Corporation and Test acts might enable the Dissenters to obtain a majority. This he scarcely thought probable; but it appeared fully sufficient to answer, that if the majority of the People of England should ever be for the abolition of the established Church, in such a case, the abolition ought immediately to follow.

To the opinion of the honourable gentleman (Mr. Beaufoy) who opened the debate, that there were too many oaths imposed by the statutes in force, Mr. Fox observed that he most thoroughly assented. What, he desired to know, could be a greater proof of the indecency resulting from the practice of qualifying by oaths, than if, when a man was seen upon the point of taking the sacrament, it should be asked, “ Is this man going to make his peace with Heaven, and to “ repent him of his sins?” the answer should be, “ No; he “ goes to the communion table, only because he has lately “ received

“received the appointment of First Lord of the Treasury !” When the noble Lord (North) represented the Corporation act to have been forced from the Legislature as an act of self defence, he might truly be said to have entered into the exact description of an act which, after the lapse of a century, when the grounds and reasons for passing it no longer existed, ought to be repealed. The noble Lord had accurately stated, that the Corporation act was forced from the Legislature in the reign of Charles the Second, by the violence of the sectaries, which had not only overturned the Church, but the State; and that so lately, that threatening to do the same again, it became necessary to apply a present preventive, to guard against the impending danger. No better argument, he repeated, need be urged against it now, than that it had been extorted a century ago from the Legislature, by resentment of past, and the dread of future, injuries. Fear and indignation had operated on the Parliament of Charles the Second. Did the same motives operate on the Parliament of George the Third? Certainly not; and could there be any reason for continuing an act, when the violence which gave birth to it had, long since, subsided? Party and religion were separate in their views and in their nature; and as it was for the reputation of both that they should remain so, he therefore urged the injustice of harrassing with penalties, disabilities, and statutory restrictions, the Dissenters; a respectable body of men, whose morals were not inconsistent with the religion of the Church of England, and whose sentiments were favourable to the family on the throne. It had been said, that in France it was customary for Protestants to be employed in the army and in civil offices, and that in Protestant countries abroad, Papists were also employed. For the purpose of invalidating this remark, the noble Lord had given an ingenious and able answer; but let it be examined. The noble Lord had said, that the Monarch of a free country was limited, while the employing whom the Prince pleased was one of the trivial advantages incidental to absolute power. Let not then Great Britain be the last to avail herself of such an advantage. Wisdom had been described as the offspring of freedom; and should a People, who boasted of their freedom, and amongst whom, he firmly believed, men of enlightened understandings were more common than among those who lived under a less happy form of Government, reject those liberal principles of toleration which other nations had adopted? It was upon such a ground that, addressing himself to the Church of England in particular, he felt himself justified in accosting her, as a friendly adviser, in language to this effect:

“*Tu que prior ! Tu ! Pa.ce ! Gentis qui ducis Olympo !*”

And

And surely the Church of England ought, if possible, more than any other ecclesiastical establishment upon earth, practically to inculcate the glorious idea that indulgence to other sects, the most candid allowance for the diversity of their opinions, and a sincere zeal for the advancement of mutual charity and benevolence, were the truest and the happiest testimonies which she could give of the divine origin of her religion.

Mr. Martin.

Mr. *Martin* having declared that he coincided in the opinion of the honourable gentleman (Mr. Beaufoy) who opened the debate, expressed his wishes, that in matters of religious worship, every man might be permitted to follow that form which was most agreeable to himself, although he certainly thought that some forms were more rational than others. In support of civil liberty, he could not avoid voting any more than he could relinquish the idea that religion was "to do justice, love mercy, and walk humbly with God"

Mr. Pitt.

Mr. Chancellor *Pitt* declared that he perfectly agreed with the right honourable gentleman, (Mr. Fox) in the broad principle that the religious opinions of any set of men were not to be restrained and limited, unless they should be found likely to prove the source of civil inconvenience to the State; and that the civil magistrates ought not, in any other point of view, to interfere with them. But it had always been admitted as a solid distinction, that, although there is no natural right to interfere with religious opinions, yet when they are such as may produce a civil inconvenience, the government has a right to guard against the probability of the civil inconvenience being produced, nor ought they to wait till, by being carried into action, the inconvenience has actually arisen. It was therefore an over-straining of the principle when the right honourable gentleman declared, that in no case was it warrantable for a Legislature to interfere with men's religion. With regard to Papists (to use the right honourable gentleman's own word) as they stood a century ago, when all their abominable doctrines, which clung to them, were thought fit objects of the precaution of the State, and it was the policy of the Government to pass the Test act for that purpose, surely the doctrine of a toleration, unlimited without exception, could not be right. The right honourable gentleman had said that their prejudices were removed, and that they were very differently affected at present. He believed the alteration for the better had not merely taken place here, nor was it by any means peculiar to Great Britain. It was generally felt upon the Continent, and was owing to the universal improvement and intelligence that had spread itself through all ranks of people, which had contributed to enlighten their minds, to soften their hearts, and to enlarge their understandings.

standings. Mr. Pitt declared he was ready to do justice to the Dissenters of former times, as he was ready to do justice to the present. It was not on the ground that they would endeavour to affect the civil government of the country, that they had been excluded from holding civil offices, but because if they had any additional degree of power in their hands they might. It would (he believed) be admitted by all men, that the establishment of a settled form of Church, and of its Ministers, was necessary to the civil government of the country. Was it then proper to prevent the emoluments and offices of the established church from being distributed among persons, who, however respectable they might be, were not members of the same communion? The question, therefore, had been, whether these offices which might in one view be considered as a matter of favour, and in another as a matter of trust, should be given to persons well affected to the Church, or to persons of a very different description? It was matter of favour, because it was consistent with the government of this country, that all offices should be given at its discretion; and here, from the delicate nature of the case, the Legislature had thought proper to interpose, and to restrain the supreme Magistrate, the head of the executive authority, and limit him in his appointment to these offices: but, surely, this differed essentially from any degradation, disgrace, or punishment of the Dissenters. It was necessary for the House to consider the danger, and here he declared he meant not to impute views to men, which many of them disclaimed, professing to be well wishers to the established church; but there were others among them (as the Dissenters themselves well knew) who held a very different conduct, and not only objected against many of the doctrines of the established church, but went so far as to contend against the propriety of there being any establishment at all. There would, surely, therefore, be some little degree of rashness and of danger in placing offices in the hands of persons of this description. The right honourable gentleman had mentioned the Kirk of Scotland; but the Kirk of Scotland did not complain, and, therefore, there was no ground of objection there. Besides, the right honourable gentleman had said, that persons did come from Scotland, and took civil and military offices upon themselves, and that being the case, the right honourable gentleman's argument in this respect failed him, because he could not have the benefit of the argument both ways. He agreed with the noble Lord (North) in the blue ribband, in several parts of his argument, and particularly in that where he observed that the law had existed for above a century, and that it had ever been looked upon as one of the props and bulwarks of the Constitution. He denied that

that it tended to exclude some sets of Protestant Dissenters while it excluded others. He declared that the repeal of the acts in question would open the door again to all the abuse and danger which it had been designed to guard against. He spoke of the quiet and regularity which prevailed at present in relation to religious differences, and he said that if any circumstance could interrupt the harmony and moderation between sects, once contending with great virulence and asperity, it was that of awakening a competition, and rekindling the sparks of ancient animosity which mutual forbearance had almost stifled and extinguished.

Mr.
Wynd-
ham.

Mr. Wyndham having observed that the whole seemed to turn on a question of fact, added, that he feared that he differed from his right honourable friend, and from the right honourable gentleman over the way. He could not agree with his right honourable friend, that it would not be proper to exclude any man from a participation of power on account of his religious opinions; neither could he agree with the right honourable gentleman that such exclusion was little less exceptionable, unless the sentiments affected the civil government of the country. He thought that religious opinions became part of the constitution of the country; and that he also conceived that this exclusion was not to be considered as a punishment, but, as the noble Lord had termed it, an act of self-defence. The noble Lord had well handled the difference of self-defence and persecution, but he would recollect that it was a varying doctrine, necessarily, and when, after a lapse of time, facts and premises had changed and shifted, and the whole system was to be looked at *alio intuitu*, it might be warrantable to give way. The right honourable gentleman had said that the repeal would open the door to abuse; it certainly would open the door; but if it would do it so far only as to enable the Dissenters to feel themselves no longer proscribed, but admissible to power, he should think that it ought to be done. He did not suspect that they had any disposition to affect the established church; and, indeed, if they had, the desired repeal did not give them the power, for what power was it compared to that of being electors and Members of Parliament?

The House divided; Ayes, 102; Noes, 122.
Adjourned.

Monday, May 11, 1789.

The Debtor and Creditors bill brought in by Mr. Burges having been read a second time, and a motion made "that this bill be committed,"

Mr. Orde

Mr. Orde declared that he should consider it as not merely unbecoming, but injurious, as far as such a procedure

sure could affect the interests of the community at large, to agitate in so thin a house a bill of so much importance as that, the tendency of which was, to change the whole of the laws respecting debtor and creditor. Neither the Attorney nor the Solicitor General, nor any crown lawyer, was present, to say whether it met their ideas on the subject or not. A bill of the nature of the present, ought, Mr. Orde conceived, to have originated with the Lords, and have had the sanction of the Judges.

Mr. *Burges* begged leave to assure the honourable and learned gentleman that his bill was nothing more than a copy of the bill under the same title, introduced and frequently discussed in the course of the preceding year; and founded on the revision of the act commonly known by the name of the Lords Act, but calculated to give the useful parts of that bill more efficacy and effect. In fact, it differed rather in form than in substance from that statute. With regard to the bill's originating in the House of Lords under the sanction of the Judges, it was a notorious fact, that the Lords had once referred the subject to the Judges, and called upon them to prepare a bill upon it, when the Judges returned for answer, that it was not a matter within their province; the Lords then introduced a bill of their own, which was that commonly called the Lords Act: and of twenty-eight bills which had been agitated in Parliament respecting debtor and creditor, this was the only one that ever originated in the House of Lords. Mr. *Burges* said, it was not his fault that the bill had not been more thoroughly investigated; neither could he answer for the absence of the crown lawyers. The bill had undergone the inspection and consideration of some of the highest characters in the law, who had honoured it with their concurrence and approbation, though, perhaps, it was a circumstance which he was not regular in stating in that House. He hoped that the motion for commitment might pass, and he would give notice of a distant day for the Committee's sitting, so that gentlemen might be apprized time enough to attend its discussion.

Mr. *Orde* declared that he could not help thinking that the bill did not come before them sanctioned by that authority which its great importance so unquestionably demanded.

Sir *Joseph Mawbey* remarked that it was more constitutional for a bill which so materially concerned the interests of the subjects in general, to originate in the House of Commons, than in the House of Lords. Being the representatives of the body of the people, it was more immediately their duty to watch over their interests, than it was the duty of the Lords. When the bill was before the House of Commons, if it were not approved of, it might be thrown

out. With regard to the bill not having the sanction of the crown lawyers, he saw no reason why that circumstance should be made an objection against its introduction. The honourable gentleman who brought in the bill was himself a member of the learned profession, and every individual Member had a right to introduce a bill upon such a subject, and it was equally the duty of all who had seats in that House, to attend to the object of it, which was undoubtedly extremely important. But if the honourable and learned gentleman near him had objections to state to any part of the bill, he saw not why they should oppose its being committed, since it was in the Committee that those objections could be stated with the best advantage and effect.

Mr. Van-
sittart. Mr *Vanfittart* observed, that in his opinion the honourable and learned mover of it was entitled to the applause of his country for having introduced it. Such a bill was much wanting, and the clauses appeared calculated to answer the end desired; but as the session was so far advanced, he really thought it adviseable to postpone it until the ensuing meeting of Parliament, when it might be brought in earlier, and receive a more deliberate discussion amidst a fuller attendance.

The House divide!, Ayes 22; Noes 8.

And it appearing that forty Members were not present, the House, without deciding the question, adjourned.

Tuesday, 12th May, 1789.

Mr Wilberforce moved the order of the day, for the House to resolve itself into a Committee of the whole House to take into consideration the petitions which had been presented against the slave trade.

The order of the day being read,

Mr. Wilberforce moved, “ That the Report of the Committee of Privy Council be referred to the said Committee: that the acts passed in the Islands relative to slaves be referred to the said Committee: that the evidence introduced in the course of the preceding year on the slave trade, be referred to the said Committee: that the petitions offered during the last session against the slave trade be referred to the said Committee: and that the accounts presented to the House in the last and present session, relative to the exports and imports to Africa be referred to the said Committee.”

These motions being all agreed to, the House immediately resolved itself into a Committee of the whole House, Sir William Dolben in the chair.

Mr. Wil-
berforce. Mr. *Wilberforce* now rose and said, when I consider the magnitude of the subject which I am to bring before the House—a subject, in which the interests, not of this country, nor of Europe alone, but of the whole world, and of pos-

terity, are involved; and when I think, at the same time, on the weaknels of the advocate who has undertaken this great cause—when these reflections press upon my mind, it is impossible for me not to feel both terrified and concerned at my own inadequacy to such a task. But when I reflect, however, on the encouragement which I have had, through the whole course of a long and laborious examination of this question, how much candour I have experienced, and how conviction has increased within my own mind, in proportion as I have advanced in my labours;—when I reflect, especially, that however averse any gentleman may now be, yet we shall all be of one opinion in the end;—when I turn myself to these thoughts, I take courage—I determine to forget all my other fears, and I march forward with a firmer step, in the full assurance that my cause will bear me out, and that I shall be able to justify, upon the clearest principles, every resolution in my hand, the avowed end of which is, the total abolition of the slave trade.

I wish exceedingly, in the outset, to guard both myself and the House from entering into the subject with any sort of passion. It is not their passions I shall appeal to—I ask only for their cool and impartial reason; and I wish not to take them by surprize, but to deliberate, point by point, upon every part of this question. I mean not to accuse any one, but to take the shame upon myself, in common, indeed, with the whole Parliament of Great Britain, for having suffered this horrid trade to be carried on under their authority. We are all guilty—we ought all to plead guilty, and not to exculpate ourselves by throwing the blame on others; and I therefore deprecate every kind of reflection against the various descriptions of people who are more immediately involved in this wretched business.

In opening the nature of the slave trade, I need only observe, that it is found by experience to be just such as every man, who uses his reason, would infallibly conclude it to be. For my own part, so clearly am I convinced of the mischiefs inseparable from it, that I should hardly want any farther evidence than my own mind would furnish, by the most simple deductions. Facts, however, are now laid before the House. A Report has been made by His Majesty's Privy Council, which, I trust, every gentleman has read, and which ascertains the slave trade to be just such in practice as we know, from theory, it must be. What should we suppose must naturally be the consequence of our carrying on a slave trade with Africa? With a country, vast in its extent, not utterly barbarous, but civilized in a very small degree? Does any one suppose a slave trade would help their civilization? Is it not plain that she must suffer from it? That civilization must be checked; that her barbarous manners must be made

more barbarous; and that the happiness of her millions of inhabitants must be prejudiced with her intercourse with Britain? Does not every one see that a slave trade, carried on around her coasts, must carry violence and desolation to her very center? That in a continent just emerging from barbarism, if a trade in men is established, if her men are all converted into goods, and become commodities that can be bartered, it follows, they must be subject to ravage just as goods are; and this, too, at a period of civilization, when there is no protecting Legislature to defend this their only sort of property, in the same manner as the rights of property are maintained by the legislature of every civilized country.

We see then, in the nature of things, how easily the practices of Africa are to be accounted for. Her kings are never compelled to war, that we can hear of, by public principles, by national glory, still less by the love of their people. In Europe it is the extension of commerce, the maintenance of national honour, or some great public object, that is ever the motive to war with every monarch; but, in Africa, it is the personal avarice and sensuality of their kings: these two vices of avarice and sensuality, (the most powerful and predominant in natures thus corrupt) we tempt, we stimulate in all these African princes, and we depend upon these vices for the very maintenance of the slave trade. Does the king of Barbessin want brandy? he has only to send his troops, in the night time, to burn and desolate a village; the captives will serve as commodities, that may be bartered with the British trader. What a striking view of the wretched state of Africa does the tragedy of Calabar furnish! Two towns, formerly hostile, had settled their differences, and by an intermarriage among their chiefs, had each pledged themselves to peace; but the trade in slaves was prejudiced by such pacifications, and it became, therefore, the policy of our traders to renew the hostilities. This, their policy, was soon put in practice, and the scene of carnage which followed was such, that it is better, perhaps, to refer gentlemen to the Privy Council's Report, than to agitate their minds by dwelling on it.

The slave trade, in its very nature, is the source of such kind of tragedies; nor has there been a single person, almost, before the Privy Council, who does not add something by his testimony to the mass of evidence upon this point. Some, indeed, of these gentlemen, and particularly the delegates from Liverpool, have endeavoured to reason down this plain principle; some have palliated it; but there is not one, I believe, who does not, more or less, admit it. Some, nay most, I believe, have admitted the slave trade to be the chief cause of wars in Africa. Mr. Penny (a Liverpool delegate) has called it the concurrent cause; some confess it to be sometimes

sometimes the cause, but argue that it cannot often be so. Here I must make one observation, which, I hope may be done without offence to any one, and which I do, once for all, though it applies equally to many other evidences upon this subject. I mean to lay it down as my principle, that evidences, and especially interested evidences, are not to be judges of the argument. In matters of fact, of which they speak, I admit their competency; I mean not to suspect their credibility with respect to any thing they see or hear, or themselves personally know; but, in reasoning about causes and effects, I hold them to be totally incompetent. So far, therefore, from submitting to their conclusions in this respect; I utterly discard them. I take their premises readily and fairly; but, upon these premises, I must judge for myself: and the House, I trust, nay, I perfectly well know, will in like manner judge for itself. Confident assertions, therefore, not of facts, but of supposed consequences of facts, however pressed by the Liverpool delegates, or any other interested persons, go for nothing in my estimation; and it is necessary that Parliament should proceed upon this principle, as well in this as every other public question in which interested evidences must be examined. Thus the African Committee have reported that very few enormities, in their opinion, can have been practised in Africa; because, in forty years, only two complaints have been made to them. I admit the fact to them undoubtedly; but, I trust gentlemen will judge for themselves whether Parliament is to rest satisfied that there are no abuses in Africa, in spite of all the positive proofs of so many witnesses on the spot to the contrary. Whether, for instance, Mr. Wadstrom's evidence, Dr. Spaarman's, Captain Hill's, are to go for nothing, many of whom either saw the battles, were told by the Kings themselves that it was for the sake of slaves they went to battle, or conversed with a variety of prisoners taken by these means. In truth, an enquiry from the African Committee whether any foul play prevails in Africa, is somewhat like an application to the Custom-house officers to know whether any smuggling is going on; the officer may tell you that very few seizures are made, and very few frauds come to his knowledge; but does it follow that Parliament must agree to all the reasonings of the officer? and though smuggling be ever so notorious through the land, must agree there is no smuggling, because the officer reports that he makes very few seizures, and seldom hears of it? I will not believe, therefore, the mere opinions of African traders, concerning the nature and consequences of the slave trade. It is a trade in its principle most inevitably calculated to spread disunion among the African princes, to sow the seeds of every mischief, to inspire enmity, to destroy humanity; and it is found in practice, by the most abundant testimony,

testimony, to have had the effect in Africa of carrying misery, devastation, and ruin wherever its baneful influence has extended.

Having now disposed of the first part of this subject, I must speak of the transit of the slaves in the West Indies. This, I confess, in my own opinion, is the most wretched part of the whole subject. So much misery condensed in so little room, is more than the human imagination had ever before conceived. I will not accuse the Liverpool merchants: I will allow them, nay, I will believe them, to be men of humanity; and I will therefore believe, if it were not for the multitude of these wretched objects, if it were not for the enormous magnitude and extent of the evil which distracts their attention from individual cases, and makes them think generally, and therefore less feelingly on the subject, they never would have persisted in the trade. I verily believe, therefore, if the wretchedness of any one of the many hundred negroes stowed in each ship could be brought before their view, and remain within the sight of the African merchant, that there is no one among them whose heart would bear it. Let any one imagine to himself 6 or 700 of these wretches chained two and two, surrounded with every object that is nauseous and disgusting, diseased, and struggling under every kind of wretchedness! How can we bear to think of such a scene as this? One would think it had been determined to heap upon them all the varieties of bodily pain, for the purpose of blunting the feelings of the mind; and yet, in this very point (to shew the power of human prejudice) the situation of the slaves has been described by Mr. Norris, one of the Liverpool delegates, in a manner which, I am sure, will convince the House how interest can draw a film over the eyes, so thick, that total blindness could do no more; and how it is our duty, therefore, to trust not to the reasonings of interested men, or to their way of colouring a transaction. "Their apartments," says Mr. Norris, "are fitted up as much for their advantage as circumstances will admit. The right angle of one, indeed, is connected with the left angle of another by a small iron fetter, and if they are turbulent, by another on their wrists. "They have several mea's a-day; some," as he tells you, "of their own country provisions, with the best sauces of African cookery; and, by way of variety, another meal of pulse, &c. according to European taste. After breakfast they have water to wash themselves, while their apartments are perfumed with frankincense and lime-juice. Before dinner, they are amused after the manner of their country. The song and the dance are promoted;" and, as if the whole was really a scene of pleasure and dissipation,

it is added, that games of chance are furnished. "The men play and sing, while the women and girls make fanciful ornaments with beads, which they are plentifully supplied with." Such is the sort of strain in which the Liverpool delegates, and particularly Mr. Norris, gave evidence before the Privy Council. What will the House think, when, by the concurring testimony of other witnesses, the true history is laid open. The slaves, who are sometimes described as rejoicing at their captivity, are so wrung with misery at leaving their country, that it is the constant practice to set sail in the night, lest they should be sensible of their departure. The pulse which Mr. Norris talks of are horse beans; and the scantiness, both of water and provision, was suggested by the very legislature of Jamaica in the Report of their Committee, to be a subject that called for the interference of Parliament. Mr. Norris talks of frankinsense and lime juice; when the surgeons tell you the slaves are stowed so close, that there is not room to tread among them: and when you have it in evidence from Sir George Yonge, that even in a ship which wanted 200 of her complement, the stench was intolerable. The song and the dance, says Mr. Norris, are promoted. It had been more fair, perhaps, if he had explained that word promoted. The truth is, that for the sake of exercise, these miserable wretches, loaded with chains, oppressed with disease and wretchedness, are forced to dance by the terror of the lash, and sometimes by the actual use of it. "I," says one of the other evidences, "was employed to dance the men, while another person danced the women." Such, then, is the meaning of the word promoted; and it may be observed too, with respect to food, that an instrument is sometimes carried out, in order to force them to eat, which is the same sort of proof how much they enjoy themselves in that instance also. As to their singing, what shall we say when we are told that their songs are songs of lamentation upon their departure, which, while they sing, are always in tears, insomuch, that one Captain (more humane, as I should conceive him, therefore, than the rest) threatened one of the women with a flogging, because the mournfulness of her song was too painful for his feelings. In order, however, not to trust too much to any sort of description, I will call the attention of the House to one species of evidence, which is absolutely infallible. Death, at least, is a sure ground of evidence, and the proportion of deaths will not only confirm, but, if possible will even aggravate our suspicion of their misery in the transit. It will be found, upon an average of all the ships of which evidence has been given at the Privy Council, that exclusive of those who perish before they sail, not less than 12½ per cent perish in the

the passage. Besides these, the Jamaica report tells you, that not less than $4\frac{1}{2}$ per cent. die on shore before the day of sale, which is only a week or two from the time of landing. One third more die in the seasoning, and this in a country exactly like their own, where they are healthy and happy, as some of the evidences would pretend. The diseases, however, which they contract on shipboard, the astringent washes which are to hide their wounds, and the mischievous tricks used to make them up for sale, are, as the Jamaica report says, (a most precious and valuable report, which I shall often have to advert to) one principal cause of this mortality. Upon the whole, however, here is a mortality of about 50 per cent. and this among negroes who are not bought unless quite healthy at first, and unless (as the phrase is with 'cattle) they are sound in wind and limb.

How then can the House refuse its belief to the multiplied testimonies, before the Privy Council, of the savage treatment of the negroes in the middle passage?—Nay, indeed, what need is there of any evidence? The number of deaths speaks for itself, and makes all such enquiry superfluous.

As soon as ever I had arrived thus far in my investigation of the Slave Trade, I confess to you, Sir, so enormous, so dreadful, so irremediable did its wickedness appear, that my own mind was completely made up for the abolition. A trade founded in iniquity, and carried on as this was, must be abolished, let the policy be what it might,—let the consequences be what they would, I from this time determined that I would never rest till I had effected its abolition. Such enormities as these having once come within my knowledge, I should not have been faithful to the sight of my eyes, to the use of my senses and my reason, if I had shrunk from attempting the abolition: It is true, indeed, my mind was harrassed beyond measure; for when West-India planters and merchants retorted it upon me that it was the British Parliament had authorized this trade; when they said to me, “It is your acts of Parliament, it is your encouragement, it is faith in your laws, in your protection, that has tempted us into this trade, and has now made it necessary to us.” It became difficult, indeed, what to answer; if the ruin of the West Indies threatened us on the one hand, while this load of wickedness pressed upon us on the other, the alternative, indeed, was awful.

It naturally suggested itself to me, how strange it was that providence, however mysterious in its ways, should so have constituted the world, as to make one part of it depend for its existence on the depopulation and devastation of another.

I could not, therefore, help distrusting the arguments of those, who insisted that the plundering of Africa was necessary for the cultivation of the West Indies. I could not believe that the same Being who forbids rapine and bloodshed, had made rapine and bloodshed necessary to the well-being of any part of his universe. I felt a confidence in this principle, and took the resolution to act upon it: soon, indeed, the light broke in upon me; the suspicion of my mind was every day confirmed by encreasing information, the truth became clear; the evidence I have to offer upon this point is now decisive and compleat; and I wish to observe, with submission, but with perfect conviction of heart, what an instance is this, how safely we may trust the rules of justice, the dictates of conscience, and the laws of God, in opposition even to the seeming impolicy of these eternal principles.

I hope now to prove, by authentic evidence, that, in truth, the West Indies have nothing to fear from the total and immediate abolition of the slave trade: I will enter minutely into this point, and I do entreat the most exact attention of gentlemen most interested in this part of the question; the resolutions I have to offer are many and particular, for the purpose of bringing each point under a separate discussion; and thus, I hope, it will be shewn, that Parliament is not disposed to overlook the interests of the West Indies.

The principle, however, upon which I found the necessity of abolition is not policy but justice,—but though justice be the principle of the measure, yet, I trust, I shall distinctly prove it to be reconcileable with our truest political interest.

In entering, therefore, into the next branch of my subject, namely, the state of slaves in the West Indies, I would observe, that here, as in many other cases, it happens that the owner or principal generally sends out the best orders imaginable, which the manager upon the spot may pursue or not, as he pleases. I do not accuse even the manager of any native cruelty, he is a person made like ourselves (for nature is much the same in all persons) but it is habit that generates cruelty:—This man looking down upon his slaves as a set of beings of another nature from himself, can have no sympathy for them, and it is sympathy, and nothing else than sympathy, which, according to the best writers and judges of the subject, is the true spring of humanity. Let us ask then what are the causes of the mortality in the West Indies:—

In the first place, the disproportion of sexes; an evil, which, when the slave trade is abolished, must in the course of nature cure itself.

In the second place, the disorders contracted in the middle passage: and here let me touch upon an argument for ever

used by the advocates for the slave trade, the fallacy of which is no where more notorious than in this place.

It is said to be the interest of the traders to use their slaves well: the astringent washes, escharotics, and mercurial ointments, by which they are made up for sale, is one answer to this argument. In this instance it is not their interest to use them well; and although in some respects self-interest and humanity will go together, yet unhappily through the whole progress of the slave trade, the very converse of this principle is continually occurring.

A third cause of deaths in the West Indies is excessive labour joined with improper food. I mean not to blame the West Indians, for this evil springs from the very nature of things;—in this country the work is fairly paid for, and distributed among our labourers, according to the reasonableness of things; and if a trader or manufacturer finds his profits decrease, he retrenches his own expences, he lessens the number of his hands, and every branch of trade finds its proper level. In the West Indies the whole number of slaves remains with the same master,—is the master pinched in his profits? The slave allowance is pinched in consequence; for as charity begins at home, the usual gratification of the master will never be given up, so long as there is a possibility of making the retrenchment from the allowance of the slaves. There is, therefore, a constant tendency to the very minimum with respect to slaves' allowance; and if in any one hard year the slaves get through upon a reduced allowance, from the very nature of man it must happen, that this becomes a precedent upon other occasions; nor is the gradual destruction of the slave a consideration sufficient to counteract the immediate advantage and profit that is got by their hard usage. Here then we perceive again how the argument of interest fails also with respect to the treatment of slaves in the West Indies. Interest is undoubtedly the great spring of action in the affairs of mankind; but it is immediate and present, not future and distant interest, however real, that is apt to actuate us. We may trust that men will follow their interest when present impulse and interest correspond, but not otherwise. That this is a true observation may be proved by every thing in life. Why do we make laws to punish men? It is their interest to be upright and virtuous, without these laws: but there is a present impulse continually breaking in upon their better judgement; an impulse contrary to their permanent and known interest, which it is not even in the power of all our laws sufficiently to restrain. It is ridiculous to say, therefore, that men will be bound by their interest, when present gain or when the force of passion is urging them: It is no less ridiculous than if we were to say that a stone cannot

cannot be thrown into the air, nor any body move along the earth, because the great principle of gravitation must keep them for ever fast. The principle of gravitation is true; and yet, in spite of it, there are a thousand motions which bodies may be driven into continually, and upon which we ought as much to reckon as on gravitation itself. This principle, therefore, of self-interest, which is brought in to answer every charge of cruelty throughout the slave trade, is not to be thus generally admitted. That the allowance is too short in the West Indies appears very plain also from the evidence; the allowance in the prisons I conceive must be an under allowance, and yet I find it to be somewhat less than this: Dr. Adair (who is not very favourable to my proposition, and who, by way of evidence, wrote a sort of pamphlet against me to the Privy Council) has said that even he thinks their food at crop-time too little; and I observe from Governor Ord's statement that he accounts for their being more healthy at a less favourable season of the year, from their being better fed at the unfavourable season.

Another cause of the mortality of slaves is the dreadful dissoluteness of their manners. Here it might be said, that self-interest must induce the planters to wish for some order and decency around their families; but in this case also, it is slavery itself that is the mischief. Slaves, considered as cattle, left without instruction, without any institution of marriage, so depressed as to have no means almost of civilization, will undoubtedly be dissolute; and, until attempts are made to raise them a little above their present situation, this source of mortality will remain.

Some evidences indeed have endeavoured to disprove that there is any particular wretchedness among the slaves in the West Indies. Admiral Barrington tells you, he has seen them look so happy that he has sometimes wished himself one of them. I conceive that in a case like this an Admiral's evidence is perhaps the very worst that can be taken. It is as if a King were to judge of the private happiness of his soldiers by seeing them on a review day. The sight of the Admiral would, no doubt, exhilarate their faces; he would see them in their best clothes, and they, perhaps, might hope for a few of the crumbs which fell from the Admiral's table; but does it follow that there is no hard treatment of slaves in the West Indies? the Admiral's wish to be one of these slaves himself, proves perhaps that he was in an odd humour at the moment; or perhaps it might mean (for all the world knows his humanity) that he could wish to alleviate their sufferings by taking a share upon himself; but at least it proves nothing of their general treatment; and, at any rate,

rate, it is but a negative proof which affects not the other evidences to the contrary.

It is now to be remarked, that all these causes of mortality among the slaves do undoubtedly admit of a remedy, and it is the abolition of the slave trade that will serve as this remedy. When the manager shall know that a fresh importation is not to be had from Africa, and that he cannot retrieve the deaths he occasions by any new purchases, humanity must be introduced; an improvement in the system of treating them will thus infallibly be effected, an assiduous care of their health and of their morals, marriage institutions, and many other things, as yet little thought of, will take place; because they will be absolutely necessary. Births will thus encrease naturally; instead of fresh accessions of the same negroes from Africa, each generation will then improve upon the former, and thus will the West Indies themselves eventually profit by the abolition of the slave trade.

But, Sir, I will shew by experience already had, how the multiplication of slaves depends upon their good treatment. All sides agree that slaves are much better treated now than they were thirty years ago in the West Indies, and that there is every day a growing improvement. I will shew, therefore, by authentic documents, how their numbers have encreased (or rather how the decrease has lessened) in the same proportion as the treatment has improved.

There were in Jamaica, in the year 1761, 147,000 slaves; in the year 1787, there were 256,000; in all this period of 26 years, 165,000 were imported, which would be upon an average 2150 per annum, there being, on an average of the whole 26 years, 1 1-15th per cent yearly diminution of the number of slaves on the island.

In fact, however, I find that the diminution in the first period, when they were the worst used, was $2\frac{1}{4}$ per cent.; in the next 7 years it was 1 per cent.; and the average of the last period is $\frac{3}{5}$ ths per cent. It should also be observed, that there has lately been, on account of the war, a much more than ordinary diminution, which was the case also in the former war, besides that 15,000 have been destroyed by the late famine and hurricanes. Upon these premises I ground a conclusion, that in Jamaica there is at this time an actual encrease of population among the slaves begun. It may fairly be presumed, that since the year 1782 this has been the case, and that the births by this time exceed the deaths by about 1000 or 1100 per annum. It is true the sexes are not altogether equal; but this difference is so small that if the proper number of women were added, the births to be expected in consequence would be no more than 300 per annum, which shews this to be a matter of little consequence.

In the island of Barbadoes the case is nearly the same as at Jamaica.

In St. Christophers, there are 9600 females, and 10,300 males; so that an increase by birth, if the treatment is tolerable, may fairly be expected.

In Dominica, Governor Ord writes, that there is a natural increase, though it is yet inconsiderable, and though the smuggling in that island makes it not appear so favourably.

In Nevis there are absolutely five women to four men.

In Antigua, the epidemical disorders have lately cut off 1-4th or 1-5th of the negroes; but this cannot be expected to return, especially when the grand cause of epidemical disorders is removed.

In Bermudas and the Bahamas there is an actual increase.

In Montserrat there is much the same decrease as there has been in Jamaica, which is to be accounted for by the emigrations from that island.

Such, Sir, is the state of the negroes in our West-India islands; and it is not only founded upon authentic documents from thence, but it is also confirmed by a variety of other proofs. Mr. Long, whose works are looked up to as a sort of West India gospel upon these subjects, lays it down as a principle, that when there are two negroes upon an island to three hogheads of sugar, the work for them will be so moderate, as to ensure a natural increase; and there is now much more than this proportion. It can be proved too, that a variety of individuals, by good usage, have more than kept up their stock.

But, allowing even the number of negroes to be deficient, still there are many other resources to be had—the waste of labour which now prevails—the introduction of the plough and other machinery—the division of work, which in free and civilized countries is the grand source of wealth—the reduction of the number of negro servants, of whom not less than from 20 to 40 are kept in ordinary families—All these I touch upon merely as hints, to shew that the West Indies are not bereaved of all the means of cultivating their estates, as some persons have feared. But, Sir, even if these suppositions are all false and idle, if every one of these succedanea should fail, I still do maintain that the West India planters can and will indemnify themselves by the increased price of their produce in our market; a principle which is so clear, that in questions of taxation, or any other question of policy, this sort of argument would undoubtedly be admitted. I say, therefore, that the West Indians who contend against the abolition, are nonsuited in every part of the argument. Do they say that importations are necessary? I have shewn that the very numbers in the gang may be kept

kept up by prostitution. Is this denied? I say, the plough, horses, machinery, domestic slaves, and all the other succedanea will supply the deficiency. It is persisted that the deficiency can in no way be supplied, and that the quantity of produce must diminish? I then revert to that irrefragable argument, that the increase of price will make up their loss, and is a clear ultimate security. I have in my hand the extract from a pamphlet which states, in very dreadful colours, what thousands and tens of thousands will be ruined; how our wealth will be impaired; one third of our commerce cut off for ever; how our manufactures will droop in consequence, our land tax will be raised, our marine destroyed, while France, our natural enemy and rival, will strengthen herself by our weakness. [A cry of assent being heard from several parts of the House, Mr. Wilberforce added,] I beg, Sir, that gentlemen will not mistake me. The pamphlet from whence this prophecy is taken was written by Mr. Glover in 1774, on a very different occasion; and I would therefore ask gentlemen, whether it is indeed fulfilled? Is our wealth decayed? our commerce cut off? are our manufactures and our marine destroyed? Is France raised upon our ruins? On the contrary, do we not see, by the instance of this pamphlet, how men in a desponding moment will picture to themselves the most gloomy consequences, from causes by no means to be apprehended? We are all, in this respect, apt sometimes to be carried away by a frightened imagination. Like poor negroes, we are all in our turn, subject to *Obiba*; and when we have an interest to bias us, we are carried away ten thousand times more. The African merchants told us last year, that if less than two men to a ton were to be allowed, the trade could not continue. Mr. Tiarleton, instructed by the whole trade of Liverpool, declared the same; told us that commerce would be ruined, and our manufactures would migrate to France. We have petitions on the table from the manufacturers, but, I believe they are not dated at Havre, or any port in France; and yet it is certain, that out of twenty ships last year from Liverpool, not less than thirteen carried this very ruinous proportion of less than two to a ton. It is said that Liverpool will be undone—the trade, says Mr. Dalziel, at this time hangs upon a thread, and the smallest matter will overthrow it. I believe, indeed, the trade hangs upon a thread; for it is a losing trade to Liverpool at this time. It is a lottery, in which some men have made large fortunes, chiefly by being their own insurers; while others follow the example of a few lucky adventurers, and lose money by it. It is absurd to say, therefore, that Liverpool will be ruined by the abolition; or that it will feel the difference very sensibly,

sibly, since the whole outward-bound tonnage of the slave trade amounts only to 1-fifteenth of the outward-bound tonnage of Liverpool. We ought to remember also, that the slave trade actually was suspended during some years of the war; nor did any calamity follow from it. As to shipping, our fisheries and other trades will furnish so many innocent and bloodless ways of employing vessels, that no mischief need be dreaded from this quarter.

The next subject which I shall touch upon, is, the influence of the slave trade on our marine; and, instead of being a benefit to our sailors, as some have ignorantly argued, I do assert it is their grave. The evidence upon the point is clear; for, by the indefatigable industry and public spirit of Mr. Clarkson, the muster rolls of all the slave ships have been collected and compared with those of other trades; and it appears in the result that more sailors die in one year in the slave trade, than die in two years in all our other trades put together. It appears by the muster roll, to 88 slave ships which sailed from Liverpool in 1787, that the original crews consisted of 3170 sailors—of these only 1428 returned: 642 died, or were lost, and 1100 were discharged on the voyage, or deserted either in Africa or the West Indies. It appeared to me for a long time unaccountable how so vast a proportion of these sailors should leave their ships in the West Indies; but I shall quote here a letter from Governor Parry at Barbadoes, which explains this difficulty:

“ Extract of a letter from Governor Parry, to Lord Sydney, dated May 13, 1788, transmitting two petitions.

“ To the African trade on the coast I cannot venture to speak, not being sufficiently acquainted with it; but am fearful such monstrous abuses have crept into it, as to make the interference of the British Legislature absolutely necessary; and to have to lament that it falls to my lot to possess your Lordship with the unpleasing information contained in the enclosed petitions, which is fully demonstrative of the shameful practices carried on in that unnatural commerce.”

He then speaks of having seen Captain Bibby, who is the person mentioned in the following petitions, though the other Captain had endeavoured to prevent it; and, he says, he has sent back the pawns (mentioned also in the petition) to their enraged parents, adding, “ That I cannot help having my suspicions; and I was yesterday told, that he had private instructions from the petitioners not to present the petitions to me, if Bibby would quietly resign the pawns; which leads me to believe there was a general combination in these unwarrantable practices among all the masters of the vessels then in Cameroons-river.”

He then comes to the subject of the British sailors—
 “Your Lordship,” says he, “is perfectly informed of the
 “nefarious practices of the African trade, and the cruel
 “manner in which the greater number of the masters treat
 “their seamen. There is scarcely a vessel in that trade
 “that calls at Barbadoes, from which I have not a complaint
 “made to me, either by the master or the seamen; but more
 “frequently the latter, who are often shamefully used; for
 “the African traders at home being obliged to send out their
 “ships very strong handed, as well from the unhealthiness
 “of the climate, as the necessity of guarding the slaves, soon
 “feel the expence of seamen’s wages; and as soon as they
 “come amongst these islands, and all danger of insurrection
 “is removed, the masters quarrel with their seamen, upon
 “the most frivolous pretences, and turn them on shore on
 “the first island they stop at, sometimes with, and some-
 “times without paying them their wages; and Barbadoes
 “being windward station, has generally a large proportion
 “of these men thrown in upon her; and sorry am I to say,
 “that many of these valuable subject are, from sickness
 “and the dire necessity of entering into foreign employ
 “for maintenance, lost to the British nation.”

Thus do we see how Mr. Clarkson’s account of the muster rolls is verified, and why it is that so vast a proportion of sailors in the slave ships are lost to this country. But let us touch also on the petitions which Governor Parry speaks of; it seems that Captain Bibby before mentioned had carried off from Africa thirty of the King’s children and relations left in pawn with him, who retaliated by seizing five English Captains. These Captains dispatch a vessel with petitions to Governor Parry, to send back the king’s sons, in order to their own release. Now, Sir, let us mark the stile of these petitions. “I James M’Gauty, I William
 “Willoughby, &c. being on shore on the execution of our
 “business, were seized by a body of armed natives, who
 “lay in ambush in order to take us.”—What villians must these Africans be, to seize so designedly such friends as the British subjects, and this merely with a view to get back their children! “This,” says the petition “they effected,
 “and dragged us to their town, where they treated us in
 “a most savage and barbarous manner, and loaded us with
 “irons,”—Observe, Sir, the indignant spirit of these Captains; British freemen to be loaded with irons! White men in custody of these barbarous Negroes? But what was the cause of this abominable outrage?—“On account,” say they, “of the imprudent behaviour of Captain Robert Bibby.”—But what was the imprudence?—
 “who carried off thirty pawns, who were the king’s and
 traders’

“traders’ sons, daughters, and relations.” Here, then, we have a picture of the equitable spirit in which this trade is carried on. These Princes and Chiefs, who, by Captain Bibby’s imprudence, had lost all their families and children, propose, however, to satisfy every demand, and to give these Captains their liberty, provided only they may have their children back again. But, say two of the Captains, “We, finding that we could not comply with their extravagant conditions, did endeavour to regain our liberty, which we effected. But we verily believe, that our respective voyages are entirely ruined, the natives being determined to make no farther trade with either of us, nor pay the above debts, until their sons, daughters, &c. are returned, and debarring us of wood, water, or any country provisions; therefore we shall be forced to leave the river immediately, and, on that account, we think our voyages ruined, as before.”

It has been urged by some persons, in proof of the wicked barbarity of these Kings and Chiefs, that they pawn their own children; from which it is concluded, that they feel no sort of affection for them, and therefore deserve all the evils which we inflict upon them.

The contrary is in truth the case; for the captains, knowing the affection they have for their relations, are willing to take them as hostages for very considerable debts, and are sensible of their ideal value, though the real value is trifling; and the scene which I have just laid before you, very fairly shews both the general spirit of our captains, and the wretched situation to which our commerce has reduced these African princes; and if, Sir, at the very moment when Parliament was known to be enquiring into this trade, these abuses are thus boldly persisted in, how can we suppose that any regulations, or any palliatives, can overcome these enormities, and justify our continuance of the trade? It is true, the African Committee hear little of the matter; for we find, that even these captains, who were in prison, instructed the bearer of their petition not to apply to Governor Parry, except in the last necessity, but merely to get back the King’s sons, meaning quietly to compromise matters with Captain Bibby; and if it were not for the vigilance of Governor Parry, the truth would never have come out. In like manner, we find, that although very few sailors, when they come to Liverpool, go into an expensive prosecution of their captains, yet Governor Parry hears of complaints against them every day; and we find, that Justice Otley, in the island of St. Vincent, where law is cheap, both hears their grievances, and redresses them.

There is one other argument, in my opinion a very weak and absurd one, which many persons, however, have much dwelt upon, I mean, that, if we relinquish the slave trade, France will take it up. If the slave trade be such as I have described it, and if the House is also convinced of this—if it be in truth both wicked and impolitic, we cannot wish a greater mischief to France than that she should adopt it. For the sake of France, however, and for the sake of humanity, I trust, nay, I am sure, she will not. France is too enlightened a nation, to begin pushing a scandalous as well as ruinous traffic, at the very time when England sees her folly, and resolves to give it up. It is clearly no argument whatever against the wickedness of the trade, that France will adopt it: for those who argue thus, may argue equally, that we may rob, murder, and commit any crime, which any one else would have committed, if we did not. The truth is, that, by our example, we shall produce the contrary effect. If we refuse the abolition, we shall lie, therefore, under the twofold guilt of knowingly persisting in this wicked trade ourselves, and, as far as we can, of inducing France to do the same. Let us, therefore, lead the way; let this enlightened country take precedence in this noble cause, and we shall soon find that France is not backward to follow, nay, perhaps, to accompany our steps. If they should be mad enough to adopt it, they will have every disadvantage to cope with. They must buy the negroes much dearer than we; the manufactures they sell, must probably be our's; an expensive floating factory, ruinous to the health of sailors, which we have hitherto maintained, must be set up; and, after all, the trade can serve only as a sort of Gibraltar, upon which they may spend their strength, while the productive branches of their commerce must in proportion be neglected and starved.

But I have every ground for believing that the French will not be thus wicked and absurd; Mr. Necker, the enlightened minister of that country, a man who has introduced moral and religious principles into Government, more than has been common with many Ministers, has actually recorded his abhorrence of the slave trade; he has, under his own hand, in his publication on the Finances, pledged himself, as it were, to the abolition, and it is impossible that a man can be so lost to all sense of decency, and common consistency of character, as not to forward, by every influence in his power, a cause in which he has so publicly declared himself. There is another anecdote which I mention here with pleasure, which is, that the King of France very lately being requested to dissolve a society set up in France, for the abolition of

the slave trade, made answer, "That he certainly should not, for that he was very glad it existed."

I believe, Sir, I have now touched upon all the objections of any consequence, which are made to the abolition of this trade. When we consider the vastness of the Continent of Africa; when we reflect how all other countries have for some centuries past been advancing in happiness and civilization; when we think how in this same period all improvement in Africa has been defeated by her intercourse with Britain; when we reflect how it is we ourselves that have degraded them to that wretched brutishness and barbarity which we now plead as the justification of our guilt; how the slave trade has enslaved their minds, blackened their character, and sunk them so low in the scale of animal beings, that some think the very apes are of a higher class, and fancy the Ourang Outang has given them the go-by. What a mortification must we feel at having so long neglected to think of our guilt, or to attempt any reparation. It seems, indeed, as if we had determined to forbear from all interference until the measure of our folly and wickedness was so full and complete; until the impolicy which eventually belongs to vice, was become so plain and glaring, that not an individual in the country should refuse to join in the abolition: it seems as if we had waited until the persons most interested should be tired out with the folly and nefariousness of the trade, and should unite in petitioning against it.

Let us then make such amends as we can for the mischiefs we have done to that unhappy continent: let us recollect what Europe itself was no longer ago than three or four centuries. What if I should be able to shew this House that in a civilized part of Europe, in the time of our Henry VII. there were people who actually sold their own children? what, if I should tell them, that England itself was that country? what, if I should point out to them that the very place where this inhuman traffic was carried on, was the city of Bristol? Ireland at that time used to drive a considerable trade in slaves with these neighbouring barbarians; but a great plague having infested the country, the Irish were struck with a panic, suspected (I am sure very properly) that the plague was a punishment sent from Heaven, for the sin of the slave trade, and therefore abolished it. All I ask, therefore, of the people of Bristol, is, that they would become as civilized now, as Irishmen were four hundred years ago. Let us put an end at once to this inhuman traffic—let us stop this effusion of human blood. The true way to virtue is by withdrawing from temptation; let us then withdraw from these wretched Africans those temptations to fraud, violence, cruelty, and injustice, which the slave trade furnishes.

furnishes. Wherever the sun shines, let us go round the world with him, diffusing our beneficence; but let us not traffic, only that we may set Kings against their subjects, subjects against their Kings, sowing discord in every village, fear and terror in every family, setting millions of our fellow creatures a hunting each other for slaves, creating fairs and markets for human flesh, through one whole continent of the world, and under the name of policy, concealing from ourselves all the baseness and iniquity of such a traffic.

Why may we not hope, ere long, to see Hans towns established on the coast of Africa, as they were on the Baltic? It is said the Africans are idle, but they are not too idle at least to catch one another: seven hundred to one thousand tons of rice are annually bought of them; by the same rule, why should we not buy more? At Gambia one thousand of them are seen continually at work: Why should not some more thousands be set to work in the same manner? It is the slave trade that causes their idleness, and every other mischief. We are told by one witness, "They sell one another as they can;" and while they can get brandy by catching one another, no wonder they are too idle for any regular work.

I have one word more to add upon a most material point; but it is a point so self-evident, that I shall be extremely short.

It will appear, from every thing which I have said, that it is not regulation, it is not mere palliatives, that can cure this enormous evil: total abolition is the only possible cure for it. The Jamaica Report, indeed, admits much of the evil, but recommends it to us so to regulate the trade, that no persons should be kidnapped or made slaves contrary to the custom of Africa. But may they not be made slaves unjustly, and yet by no means contrary to the custom of Africa? I have shewn they may; for all the customs of Africa are rendered savage and unjust through the influence of this trade; besides, how can we discriminate between the slaves justly and unjustly made? Can we know them by physiognomy? or, if we could, does any man believe that the British captains can, by any regulation in this country, be prevailed upon to refuse all such slaves as have not been fairly, honestly, and uprightly enslaved? But granting even that they should do this, yet how would the rejected slaves be recompensed? They are brought, as we are told, from three or four thousand miles off, and exchanged like cattle from one hand to another, until they reach the coast. We see then that it is the existence of the slave trade that is the spring of all this internal traffic, and that the remedy cannot be applied without abolition. Again, as to the middle passage, the

“ individuals on each other ; or lastly, by Europeans engaged in this traffic.”

III. “ That the trade carried on by European nations on the coast of Africa, for the purchase of slaves, has necessarily a tendency to occasion frequent and cruel wars among the natives, to produce unjust convictions and punishments for pretended or aggravated crimes, to encourage acts of oppression, violence, and fraud, and to obstruct the natural course of civilization and improvements in those countries.

IV. “ That the continent of Africa, in its present state, furnishes several valuable articles of commerce highly important to the trade and manufactures of this kingdom, and which are in a great measure peculiar to that quarter of the globe ; and that the soil and climate have been found, by experience, well adapted to the production of other articles, with which we are now either wholly, or in great part, supplied by foreign nations.

“ That an extensive commerce with Africa in these commodities, might probably be substituted in the place of that which is now carried on in slaves, so as at least to afford a return for the same quantity of goods as has annually been carried thither in British vessels.

“ And lastly, That such a commerce might reasonably be expected to increase in proportion to the progress of civilization and improvement on that continent.”

V. “ That the slave trade has been found, by experience, to be peculiarly injurious and destructive to the British seamen who have been employed therein ; and that the mortality among them has been much greater than in His Majesty’s ships stationed on the coast of Africa, or than has been usual in British vessels employed in any other trade.”

VI. “ That the mode of transporting the slaves from Africa to the West Indies necessarily exposes them to many and grievous sufferings, for which no regulation can provide an adequate remedy ; and that, in consequence thereof, a large proportion of them has annually perished during the voyage.”

VII. “ That a large proportion of the slaves so transported, has also perished in the harbours in the West Indies, previous to their being sold. That this loss is stated by the assembly of the island of Jamaica at about four and a half per cent. of the number imported ; and is, by medical persons of experience in that island, ascribed, in great measure, to diseases contracted during the voyage, and to the mode of treatment on board the ships, by which those diseases have been suppressed for a time, in order to render the slaves fit for immediate sale.”

VIII.

VIII. " That the loss of newly imported negroes, within
 " the first three years after their importation, bears a large
 " proportion to the whole number imported."

IX. " That the natural increase of population among
 " the slaves in the islands, appear to have been impeded prin-
 " cipally by the following causes:

" 1st. The inequality of the number of the sexes in the
 " importations from Africa.

" 2d. The general dissoluteness of manners among the
 " slaves, and the want of proper regulations for the encou-
 " ragement of marriages, and of rearing children.

" 3d. Particular diseases which are prevalent among them,
 " and which are in some instances attributed to too severe
 " labour or rigorous treatment, and in others to insufficient
 " or improper food.

" 4th. Those diseases which affect a large proportion of
 " negro children in their infancy, and those to which the
 " negroes newly imported from Africa have been found to
 " be particularly liable."

X. " That the whole number of slaves in the
 " island of Jamaica, in 1768, was about - 167,000

" That the number in 1774, was stated by Go-
 " vernor Keith about - - - 193,000

" And, that the number in December 1787, as
 " stated by Lieut. Governor Clarke, was about 256,000

" That, by comparing these numbers with the numbers
 " imported into and retained in the island, in the several
 " years from 1768 to 1774 inclusive, as appearing from the
 " accounts delivered to the Committee of Trade by Mr.
 " Fuller; and in the several years from 1775 inclusive, to
 " 1787 also inclusive, as appearing by the accounts delivered
 " in by the Inspector General; and allowing for a loss of
 " about one twenty-second part by deaths on ship board af-
 " ter entry, as stated in the Report of the Assembly of the
 " said island of Jamaica, it appears,

" That the annual excess of deaths above births in the
 " island in the whole period of nineteen years, has been
 " in the proportion of about seven eighths per cent, com-
 " puting on the medium number of slaves in the island dur-
 " ing that period.

" That in the first six years of the said nineteen, the ex-
 " cess of deaths was in the proportion of rather more than
 " one on every hundred on the medium number.

" That in the last thirteen years of the said nineteen, the ex-
 " cess of deaths was in the proportion of about three-fifths
 " on every hundred on the medium number; and that a
 " number of slaves, amounting to 15,000, is stated by the
 " Report of the island of Jamaica to have perished, during
 " the

“ the latter period, in consequence of repeated hurricanes,
 “ and of the want of foreign supplies of provisions.”

XI. “ That the whole number of slaves in the
 “ island of Barbadoes was, in the year 1764, ac-
 “ cording to the account given in to the Com-
 “ mittee of Trade by Mr. Braithwaite - 70,706

“ That in 1774, the number was, by the same
 “ account - 74,874

“ In 1780, by ditto - 68,270

“ In 1781, after the hurricane, according to the
 “ same account - 63,248

“ In 1781, by ditto - 62,115

“ That by comparing these numbers with the number
 “ imported into this island, according to the same account,
 “ (not allowing for any re-exportation) the annual excess of
 “ deaths above births, in the ten years from 1764 to 1774,
 “ was in the proportion of about five on every hundred,
 “ computing on the medium number of slaves in the island
 “ during that period.

“ That in the seven years from 1774 to 1780, both in-
 “ clusive, the excess of deaths was in the proportion of about
 “ one and one-third on every hundred, on the medium num-
 “ ber.

“ That between the year 1780 and 1781, there appears to
 “ have been a decrease in the number of slaves of about five
 “ thousand.

“ That in the six years from 1781 to 1786, both inclusive,
 “ the excess of deaths was in the proportion of rather less
 “ than seven-eighths in every hundred, on the medium num-
 “ ber.

“ And that in the four years from 1783 to 1786, both
 “ inclusive, the excess of deaths was in the proportion of
 “ rather less than one-third in every hundred on the medium
 “ number.

“ And that during the whole period there is no doubt that
 “ some were exported from the island, but considerably more
 “ in the first part of this period than in the last.”

XII. “ That the accounts from the Leeward Islands and
 “ from Dominica, Grenada, and St. Vincent's, do not fur-
 “ nish sufficient grounds for comparing the state of popu-
 “ lation in the said islands at different periods, with the
 “ number of slaves which have been, from time to time,
 “ imported into the said islands, and exported therefrom.
 “ But that from the evidence which has been received respect-
 “ ing the present state of these islands, as well as of Jamaica
 “ and Barbadoes, and from a consideration of the means of
 “ obviating the causes which have hitherto operated to im-
 “ pede the natural increase of the slaves, and of lessening

“ the demand of manual labour, without diminishing the
 “ profit of the planter, it appears that no considerable or
 “ permanent inconvenience would result from discontinuing
 “ the farther importation of African slaves.

Lord
 Penrhyn.

Lord *Penrhyn* observed that although conscious that it was not in his power to claim the attention of the House, like the honourable gentlemen who had spoken last, by eloquent appeals, and by impassioned strains of oratory, he could not avoid intruding himself upon their notice, whilst he took the liberty to observe that the honourable gentleman had misrepresented so many articles with regard to the West Indies, in respect to its population and other points, that no reliance whatever could be placed on the picture he had chosen to exhibit. In two or three instances, where he had mentioned Mr. Long, he had misquoted him, and over-looked many things essential to a fair state of the case. Lord Penrhyn added that he did not mean to take up the time of the House on the present occasion, but when they should be called upon to vote the propositions, which they had just heard read, he should take the liberty of offering his observations upon them, and upon the whole of the argument of the honourable gentleman: that a regulation might be requisite, he was prepared fully to admit, but surely neither prudence nor rectitude could justify the accomplishment of a total abolition.

Mr.
 Gascoyne.

Mr. *Gascoyne* remarked that he was glad to hear the honourable gentleman observe, when he alluded to the treatment which the Africans experienced in the middle passage to the West Indies, and to the mortality of the seamen, that the whole of the propositions was grounded upon evidence to be found in the Report of the Privy Council. He had read that Report as carefully as possible, during the short time which had been allowed to gentlemen to make themselves masters of it, and there was scarcely an assertion which the honourable gentleman had hazarded, that was not contradicted by respectable authority referred to in the Report. The honourable gentleman had displayed great ingenuity as well as eloquence; and therefore, as there were other important witnesses besides those on whom the honourable gentleman had rested his facts, he had often been obliged to quote them, but never said much upon them. The honourable gentleman (he observed) had alluded to something which he said last year, and that was, that with any thing under two Africans to a ton, the trade could not go on. The fact was so, and if the honourable gentleman thought the bill of the last year had produced no inconvenience he was mistaken. If he were to see the number of sailors out of employ at Liverpool, and the quantity of ships laid up, he would not think that the delegates had contradicted what their witnesses had asserted

at the bar of the House. He was glad to find that the honourable gentleman meant a fair unqualified abolition of the Slave Trade. He only wished that the honourable gentleman had, at once, come to the vote which he mentioned. He had voted on the question of right with the right honourable gentleman during the Regency discussion, and this was a question which, like that, ought to be decided. He was persuaded that the Slave Trade might be made a much greater source of revenue and riches to this country, than as it stood at present.

Mr. *Wilberforce* answered that the report upon the table would at once convict him if, alluding to circumstances, he had proved guilty of the least misstatement. Sure he was that he did not mean to misrepresent any fact; and he believed that when the honourable gentleman came minutely to compare his statement with the evidence afforded by the Report, he would find that he had been mistaken. If the honourable gentleman conceived that he meant to assert that the declaration, that less than two African slaves to a ton would be a losing adventure, was a charge which practice had contradicted, he must beg leave to remind him that so far from it, he had argued it the other way, it being his decided opinion, that it was a losing trade and a lottery, which nothing but the spirit of speculation and adventure kept going. Desirous as he was to have the matter fairly and fully discussed, he should beg leave to mention the ensuing Monday as a proper day for the discussion of the several motions offered to the Committee.

Mr. *Burke* declared, that in his opinion not merely the British nation, but all Europe were under very great and serious obligations to the honourable gentleman, for having brought the subject forward in a manner the most masterly, impressive, and eloquent. Principles so admirably laid down, with so much order and force, were equal to any thing he had ever heard of in modern oratory; and perhaps it was not excelled by any thing to be met with in Demosthenes. A trade begun with savage war, prosecuted with unheard-of cruelty, continued during the mid passage with the most loathsome imprisonment, and ending in perpetual exile and unremitting slavery, was a trade so horrid in all its circumstances, that it was impossible that a single argument could be heard in its favour. On the score of prudence nothing could be said in defence of it, nor could it be justified by necessity, and no case of inhumanity could be justified, but upon necessity; but no such necessity could be rendered strong enough to bear out such a traffic. It was the duty of that House, therefore, to put an end to it: if it were said, that the interest of individuals required that it should continue, that

that argument ought not to be listened to. Supposing that a rich man had a capital to a considerable amount lying by him, and every one (he observed) who had a large capital was a rich man. All capitals required active motion; it was in their nature not to remain passive and unemployed; but if a large capital were employed in a traffic, disgraceful to the nation, and shocking to humanity, it was the duty of that House to change its application, and instead of suffering it to be ill-employed, to direct it to be employed in some trade, at once advantageous in its end, respectable in its nature, and useful to mankind. Nor was it any argument to say the capital was already engaged in the slave trade; for, from its active principle when taken out of that trade, it would soon find employment in another channel. This had been the case with the merchants and ship owners of Liverpool, during the American war, the African trade was then almost wholly lost, and yet the ship owners of Liverpool had their ships employed either as transports in the service of Government or in other ways. He could have wished, with the Member for Liverpool, that the business might have come to a conclusion at once, without voting the propositions which had been read to them. He was not over fond of abstract propositions. They were seldom necessary, and often caused great difficulty and embarrassment. There was, besides, no occasion whatever to assign detailed reasons for a vote, which upon the face of it sufficiently justified the House in coming to it. If the propositions should happen to be made, and not be carried in that House or the other, such a complication of mischiefs might follow as would cause them heartily to lament that they ever were voted. If the ultimate resolution should happen to be lost, he was afraid the propositions would pass as waste paper. He reminded the Committee that it was necessary to look farther than the present moment, and to ask themselves if they had fortified their minds sufficiently to bear the consequences of the step they were that night about to take. When they abandoned the slave trade, the Spaniards, and some other Foreign power, might possibly take it up, and clandestinely supply our West-India islands with slaves. Had they virtue enough to bear the idea of another country reaping profits which they had laid down, to abstain from that envy natural to competitors in trade, steadily to pursue their purpose, and firmly to adhere to their determination? If so, let them thankfully proceed to vote the immediate abolition of the trade. But, if they should repent of their virtue, (and he had experienced miserable instances of such repentance) all hopes of future reformation would be lost; they would go back to a trade which they had abandoned, with redoubled attachment, and would adhere to it with

with a degree of avidity and shameless ardour, to their own humiliation, and to the degradation and disgrace of the nation in the eyes of all Europe. These were considerations well worth adverting to, before they took a decisive step in a business in which they ought not to move with any other determination than to abide the consequence at all hazards. If they had virtue enough to act in that manner, they would do themselves immortal honour, and would see the abolition of the most shameful trade that ever the hardened heart of man could bear. Viewing the trade and all the circumstances of it with the horror which the full view of it (as displayed by the honourable gentleman) could not fail to excite in the breast of every man not dead to sensibility, he blamed not the honourable gentleman for knocking at every door, and appealing to every passion, well knowing, as the honourable gentleman had forcibly and correctly said, that mankind were governed by their sympathies. There were other passions, however, to be regarded; men were always ready to obey their sympathies when it cost them nothing. Where they prepared to pay the price of their virtue? The honourable gentleman had said, the West-India planters would have a compensation adequate to the loss incurred by the abolition of the slave trade. He believed they would; but how they would have instant compensation for what they would lose he could not conceive. With their loss their virtue would be greater. Mr. Burke next alluded to the testimony of Admiral Barrington, who had said that he envied the condition of the negroes in the West-India islands. The honourable Admiral (he should rather suppose) meant, that, as he had fought so often bravely for his country, he was determined to fight again rather than suffer his countrymen to be made slaves. If, however, he was to be taken literally, his sensation could only be accounted for by his having seen the negroes in the hour of their sports, when a sense of the misery of their condition was neither felt by themselves nor visible to others. But, surely, it was impossible to make a happy slave, except out of a degraded man. In proportion as the mind grows callous to its degradation, and all sense of manly pride is lost, the slave feels comfort. In fact, he is no longer a man. If he were to define a man, he would say with Shakespeare,

Man is a being, holding large discourse,
Looking before and after.

A slave was incapable of either looking before or after. Mr. Burke took notice of the reference which Mr. Wilberforce had made to the evidence delivered at the bar with so much ability by the late Mr. Glover, (author of *Leonidas*) a gentleman

tleman who (he remarked) had fortified the learned world with works, which would preserve his reputation to future ages. That gentleman had told them, at their bar, the probable mischiefs which the American war would draw on their trade, and because, by a happy coincidence of circumstances, that mischief had not ensued to its full predicated extent (a circumstance which had very happily disappointed his expectation) was the evidence of Mr. Glover to be despised and ridiculed, and was such a man to be treated as a false prophet?

Mr. Pitt. Mr. *Pitt* observed that he could not hear the sentiments of his honourable friend (Mr. Wilberforce) without generally giving them his warmest approbation, and when he differed at all, it was only as to the opinion which the right honourable gentleman had stated with respect to the mode of proceeding and the propriety of coming to the several distinct propositions, which were the grounds of the ultimate vote for an unqualified abolition of the slave trade. He returned his honourable friend, therefore, his sincere thanks for the manner in which he had brought the subject before the House, not merely in regard to the masterly, forcible, and perspicuous method of argument which he had pursued respecting it, but, particularly, for having chosen the only way in which it could be made obvious to the world, that they were warranted in every ground of fact, and of reason in coming to that vote, which (he trusted) would be the end of their proceeding. He was satisfied that no argument reconcileable to any idea of justice, could be given for continuing or carrying on the trade in question; and he was perfectly clear that his sentiments, at least the principles on which they were founded in his own mind, were totally unalterable; yet he was ready to hear with the utmost candour and impartiality all the arguments that could be offered by those, who, either from conviction, or from any other motive, entertained different ideas; being, from all the attention he had been able to pay the subject, (and he was far from the affectation of treating it lightly, or meaning to have it understood, that he had not minutely investigated it) firmly persuaded, that nothing but the obscurity of general notions, unfathomed and unexamined, could have, hitherto, prevented all mankind, (those immediately interested in the question alone excepted) from agreeing in one and the same opinion on the subject. The real grounds of the proceeding, which he trusted and doubted not but that House would adopt, were stated distinctly in the propositions, which, when put point to point, would be found to be such as no persons could venture to negative if they were not equally deaf to the language of reason and of undeniable fact. Let those propositions once be put upon the
journals

journals of that House, and it was almost impossible for them to fail. Persuaded as he was of the policy, as well as humanity, of the measure, could he have ever entertained any doubt of its success, (and that, he thought, when the grounds of it were clearly ascertained and well understood, was not by any means to be expected) still this would not have deterred him from persisting in his purpose. As to the mode ultimately by which the abolition of the slave trade was to be carried into effect, they were not at present to discuss it, but he trusted that it would not be found the means of inviting Foreign powers to supply our islands with slaves by a clandestine trade, because, after a debt founded on the immutable principles of justice was discovered to be due, it was impossible but that the country had means to have it paid; and when once they had come to a resolution to abolish the slave trade, they were not to be prevented by any fears of other nations being tempted by the profit resulting from a commerce, (which upon grounds of humanity and national honour they had abandoned) to carry it on in an illicit manner. Should that be the case, the language must be, that Great Britain had resources to enable her to protect her islands, and prevent that traffic being clandestinely carried on with them, which she had thought fit, for her own honour and character, to abandon. It was their duty, and it should be their ambition to take the lead in a business of so much national importance, and so much national credit, and he declared that he could not but have great confidence that foreign nations would be inclined to share the honour, and that if they were ready and willing to do so, they ought, on their part, for the sake of the general good which would result from such a measure being universally taken to forego the honour in their favour, and to be contented to follow, as their imitators, in so excellent a work. If they were disposed to set about it in earnest, foreign nations might be invited to concur with them, either by negotiation immediately to be commenced, or by the effect that the propositions being put upon their journals, would in all probability produce.

Sir *William Younge* declared that he wanted no inducement Sir Wm. to concur in the honourable gentleman's proposal, if founded Younge. in the truth of what he had brought forward; but, at the same time, the right honourable gentleman opposite to him must know that if there were not great restrictions provided, there would be clandestine trade carried on, and then the sufferings of the Africans must prove ten times greater than any they now felt while the trade was legal. This Sir William explained by stating (what he termed) the peculiar situation of several of our islands, and the amazing hardships which the slaves must undergo in consequence of numbers of
them

them being crammed into the holds of small vessels and kept there while the vessels were obliged to keep hovering round the islands and watching an opportunity to effect a landing of their cargo. Sir William added that the honourable gentleman who opened the debate, had taken no notice of the case of those who had lent money on mortgage upon the estates of the West-India planters. The decrease of negroes on those estates would alter and decrease the value of the property of each; and consequently lessen the security of the mortgagees. He mentioned, that the honourable gentleman had stated that 15,000 slaves had been destroyed by the hurricanes in the island of Jamaica, and put the case that a planter who had mortgaged his estate had ninety negroes, and a third of them were lost either by fevers, the small pox, or any other disease. Under such circumstances the mortgagee would find his security so much altered, that he would naturally foreclose.

Mr. Fox. Mr. Fox having premised that he had listened to the course of this debate with a pleasure equal to any which he had felt during the progress of other important and well-conducted investigations, added that with regard to the plan of laying the propositions before the House, where he was agreed as to the substance of a measure he did not like to differ as to the form of it. If, however, he differed in any thing, it was rather with a view to forward the business than to injure it, or to throw any thing like an obstacle or impediment in its way. Nothing like either should come from him. What he thought was, that all the propositions were not necessary to be voted, previous to the ultimate vote, though some of them undoubtedly were. In order to explain this, he must beg leave to remind the honourable gentleman, that the propositions were of two sorts: one sort alledged the fit grounds on which the House ought to proceed to abolish the slave trade, which were that it was a disgrace to humanity, and that it was attended with the loss of lives to our seamen, as well as to the Africans. Another sort contained assertions in answer to the objections which either had been stated, or were supposed likely to be stated. The putting such resolutions on their journals might create a difficulty to foreign powers, because that which might be a matter of objection to Great Britain might not be so to any other country. Mr. Fox applauded Mr. Wilberforce for professing to do, what he thought it their duty to do, to completely abolish the traffic in slaves, a traffic for continuing which on no ground either a plea of policy or necessity could be urged. Wherever an effectual remedy could not be had (Mr. Fox said) he approved a palliative, because something like a remedy was better than no remedy at all; in the present case, an effectual

tual remedy was not only more desirable, but it was much less difficult to be obtained than a palliative. He was glad that the propositions were to be put upon the journals, because if, from any misfortune, the business should fail, while it stood upon the journals, it might succeed another year; certain it was, that it could not fail to succeed sooner or later. Foreign countries, when they heard that the matter had been discussed in that House, might follow the example, or they might go before us, and set one themselves. If this were to happen, though we might be the losers, humanity would be the gainer. Mr. Fox reminded the House, that he had always been particularly sanguine, that whenever they examined the slave trade thoroughly, they would find it not only inhuman, but impolitic; from what the honourable gentleman, who had submitted the propositions to their consideration, had said, it was clear, there was as little policy as humanity in the trade. But he had risen chiefly to notice what had fallen from the right honourable gentleman respecting the probability of foreign nations assuming the slave trade on our abandoning it, and in an illicit manner supplying our West-India islands with slaves. He had intended to have risen to have said the very same thing, because he was convinced that it was the fit tone to be holden upon such a subject, and that foreign nations should be given to understand, that when this country thought proper to abolish the slave trade, we had resources among us to prevent that trade from being carried on in any manner with our colonies. With the idea of the honourable Baronet who spoke last, and who declared that a clandestine trade in slaves was worse than a legal one, he could not coincide. He thought that such a trade, if it existed at all, should be only clandestine. A trade in human flesh was so scandalous, that it was to the last degree infamous to let it be openly carried on by the authority of the Government of any country. He had sometimes been thought to use too harsh expressions of France, in treating her as the rival of this country. Politically speaking, France certainly was our rival; but he well knew the distinction between political enmity and illiberal prejudice. If there was any great and enlightened nation now existing in Europe, it was France, which was as likely as any nation on the face of the globe, to act on the present subject with warmth and with enthusiasm; to catch a spark from the light of our fire, and to run a race with us in promoting the ends of humanity. France has been often improperly stimulated by her ambition; he had no doubt but that she would in the present instance, readily follow its honourable dictates.

The
Speaker.

The *Speaker* said, that he should not do justice to his feelings, if he did not express to the House, and to his honourable friend, the pleasure and the satisfaction he had received from one of the most masterly and eloquent speeches which he had ever heard; a speech which could not fail to reflect the highest lustre upon his honourable friend, and entitle him to the thanks of that House, of the people of England, of all Europe, and of the latest posterity. Mr. Grenville thought that a great advantage might be brought to the question, from its being thoroughly discussed, and therefore he was peculiarly happy that his honourable friend had introduced the grounds of it in distinct propositions. With regard to our colonies, we were bound, Mr. Grenville said, to assert our right, to prevent our islands from having, either directly or indirectly, any farther connection with a trade, which we had thought it our duty to abandon, as unfit to be carried on. That was, as the right honourable gentleman (Mr. Fox) had termed it, the proper tone to assume to all Europe on such a subject, and it was besides proper to let our dominions know, that it was in this view that we considered it.

Mr. Ald.
Newnham

Mr. Alderman *Newnham* observed, that even when the feelings of humanity were as glowing within his heart as they could be in the midst of that of any Member of the House, he must, as a representative of the city of London, withhold his consent from a proposition which, if carried, would fill the city with men suffering as much as the poor Africans. The Alderman conceived, that if wise regulations were applied to the slave trade, so as to cure it of the many abuses which he had no doubt prevailed in it, it might be made a source of revenue and material commercial advantage. If it were abolished altogether, he was persuaded that it would render the city of London one scene of bankruptcy and ruin. Standing in the situation that he did in that House, he must suppress his feelings, and act upon motives of prudence. He therefore cautioned his right honourable friend below him, (Mr. Fox) and the right honourable gentleman opposite to him, not to sacrifice at the shrine of their benevolent emotions, the dearest and most valuable commercial interests of their country, and thus rashly and precipitately extinguish a trade, so essentially advantageous as a branch of our national commerce.

Mr.
Martin.

Mr. *Martin* declared himself so well satisfied with what had been so ably stated by the honourable gentleman who introduced the propositions, that he was more proud of being an Englishman than he had ever been before. He was decisively for an unqualified abolition of the slave trade, and he flattered himself that the policy would be found to go
along

along with the humanity of the measure. With regard to what had fallen from the worthy Alderman, he hoped that the worthy Alderman was mistaken; that no such effects as he had predicted would take place in the city of London, but that the citizens had too much public spirit, to wish that a great national object should not take place, merely out of complaisance to the consideration of their private interests.

Mr. *Dempster* observed, that as petitions were on the table, stating that private injuries would be felt, to a considerable amount, he had therefore expected that the first proposition with which the honourable gentleman would have come forward, would have been a proposition to make good, out of the public purse, all the losses which individuals were liable to sustain from an abolition of the slave trade. That ought, in his mind, to have been the preliminary step. He begged to ask, had the honourable gentleman any plantation of his own? Had the two right honourable gentlemen any plantation? Undoubtedly they had not, neither had he any plantation. What right, then, had they to interfere with the interests of those who were planters? He did not like to be generous out of the pockets of others. It was recommended to them to abolish the slave trade, on a principle of humanity; undoubtedly they owed humanity to all mankind; but they also owed justice to those who were interested in the event of the question, and had embarked their fortunes on the faith of Parliament. The African trade had been considered by that House as so valuable, that they had preferred it to all others, and had annually voted a very considerable sum towards carrying it on. They had hitherto deemed it an essential nursery of our seamen, and had cherished it in consequence. Had it really been such as the honourable gentleman had represented it, our ancestors would not have encouraged it in the manner they had; and therefore, upon these and other considerations, he could not help thinking, that they should be wanting in their duty, if they abolished it altogether. Mr. *Dempster* declared; that sugar could be raised much cheaper by freemen than by slaves, and that it was a well-known fact that it might. In illustration of this, he stated the various comparative prices of sugars in Battavia, in China, and in other parts of the East, in some of which it was cultivated by slaves, and in others by freemen. He said that one other material point was, our taking upon ourselves to provide for the West-Indian planters, and to pronounce upon the means of cultivating their estates. The measure, in his mind, ought to have originated with them, and some petition should have been received from them, stating what their sentiments were upon the subject, and praying the House to take measures accordingly. The House might, if it

it pleased, prevent any British subjects from becoming slaves, but they could not, with any preence of right, prescribe to the gentlemen of the West Indies by what hands their plantations should be cultivated.

Lord Penrhyn. Lord *Penrhyn* observed, that he could not listen in silence to the groundless position, that sugar could be cheaply cultivated by freemen. It was impracticable. It had been tried, and tried in vain. Notwithstanding the reveries, therefore, of the honourable gentleman who began the debate, that speculation must be abandoned. There were mortgages in the West-India islands, to the amount of seventy millions; the question, therefore, was, if they passed the vote of abolition, they actually struck at seventy millions of property, they ruined the Colonies, and by destroying an essential nursery for seamen, give up the dominion of the ocean at a single glance.

Mr. Smith. Mr. *Smith* (Member for Sudbury) observed that, whilst he thoroughly concurred with the propositions of the honourable gentleman who opened the debate, (if what approached so near to virtuous unanimity did not deserve a purer name) he felt it but common justice, amidst the overflowing satisfaction of his heart, to offer the honourable gentleman the trivial, but sincere tribute of his applause. Mr. Smith desired to say in his claim, when they were to discuss the business fully, to go into the assertions of the noble Lord and the honourable gentleman, the other Member for Liverpool. Considering the situation of those gentlemen, no men were more candid; but, as he did not feel any of those prejudices arising from connection, he wished the business to be fully examined, being satisfied that the more it was gone into, the more its abolition would be found to be necessary and proper. Mr. Smith took notice of the various predictions of several gentlemen, who held out ideas of the mischievous consequences which, according to their opinion, were to follow the abolition; and he read an opposite extract from a pamphlet published in 1781, by Mr. Stephen Fuller.

Mr. Pitt. Mr. Chancellor *Pitt* now rising, observed, that he felt it necessary to declare, that he did not, upon any account whatever, acquiesce in the idea suggested as a proposition by the honourable gentleman under the gallery, in favour of the necessity of making a compensation for any losses which might be incurred by the people of Liverpool, or elsewhere.

Mr. Ald. Sawbridge. Mr. Alderman *Sawbridge* observed, that he was not ready to say that it was expedient to abolish the slave trade altogether. He thought that it might be rendered highly beneficial both to the commerce and the revenue of the country, were it but once subjected to wise and useful regulations.

The

Mr. *Gilbert* said, that he also must pay his tribute of thanks to the honourable Baronet for his endeavours to amend the poor laws, which, he well knew, wanted amendment. The great defect was their variety and contradiction; there wanted to be one regular, uniform system; and he heartily wished that some gentlemen of the legal profession would zealously engage upon so necessary a task.

Mr.
Gilbert.

Mr. *Jekyll* called the bill a satire upon the Justices, and presumed that they did not know their duty, but acted ministerially and not judicially, as they were empowered to do. It struck him, that the exigency which the bill supposed did not exist. The principle of *nolumus mutari* was, he observed, an admirable principle, and Mr. Justice Blackstone expressly stated, that the farther they departed from the 43d of Elizabeth, the more they got into error. The present bill was, he contended, an innovation neither necessary nor expedient. It would create great expence and litigations, and would annihilate the powers of vestries.

Mr.
Jekyll.

Mr. *Bastard* objected to the principle of the bill, declaring that if it were to pass, the consequences would be ruin and depopulation to the country.

Mr.
Bastard.

The House divided on the question,

Ayes, 22. Noes, 34.

The House adjourned.

Monday, 18th May.

Mr. Dempster presented a petition from the hawkers and pedlers, praying for the repeal of two clauses in the 25th of the present King, one of which prohibits them from coming within two miles of a market town, and the other empowering the Justices in quarter sessions to prevent them from coming into any county. The petition set forth, that, without the repeal of these clauses, many of the petitioners would be incapable of providing for their families; and that they were seconded in their application by the manufacturers and wholesale dealers of the principal towns.

The petition was brought up, and referred to the Committee on the bill to amend the act to which it refers.

Mr. *Powys* said, that as the House were, in some degree, pledged to take the business up during the course of the present session, he hoped that they would advert to the necessity of settling a constitution for the province of Quebec.

Mr.
Powys.

Mr. Chancellor *Pitt* answered, that the business had been put off last session for want of sufficient information. Since that time, much information had been received, but more was still waited for; and he believed that he should be able to inform the House, in a few days, whether that information would

Mr. Pitt,

would arrive time enough to enter upon the subject previously to the expiration of the present session.

In a Committee of Supply it was resolved, "That
" 713,000*l.* be granted for the ordinary of the navy."

" And that 575,000*l.* be granted for building and repair-
" ing ships for the current year."

In a Committee of the whole House, on the hawkers and pedlers' bill, Mr. Rose brought up a clause to prohibit them from coming within two miles of market towns.

Mr. *Dempster* opposed the clause, as oppressive and uncom-
Dempster. mercial, and as an interference between the buyer and the seller, which the shopkeepers had no right to ask for, and which it did not become the wisdom or the justice of the Legislature to allow.

Mr. Robinson defended the clause.

Ld. Ad- The *Lord Advocate of Scotland* said, it was an unprincipled
vocate of law, which first levied on men a duty for a licence, and then
Scotland. took from them the means of exercising their profession.

Mr. *Francis* remarked, that the shopkeepers had been re-
Francis. lieved from the tax in consequence of which this restriction had been imposed on the hawkers and pedlers, and could have no pretence for desiring it to be continued.

Mr. I. H. *Mr. I. H. Browne* contended, that if hawkers and pedlers
Browne. were not useful to the country, if they were not even necessary in many parts of it, their trade would decrease of itself; if they were useful, it was unjust to lay them under improper restrictions.

Sir James *Sir James Johnstone* observed, that the suppression of haw-
Johnstone. kers and pedlers had been desired by the shopkeepers; first, because they were all Jews; next, because they were all Germans; and lastly, because they were all smugglers. It did not appear that they fell within either of these comprehensive descriptions, but were in reality a very industrious body of people, and entitled to the same protection and the same indulgence from the Legislature as their fellow-subjects the shopkeepers.

Mr. *Wyndham* conceived, that if the hawkers and pedlers
Wynd- could afford to supply the country with goods cheaper than
ham. the shopkeepers, it was unjust for the Legislature to impose restrictions to reduce them to the same level; and such an office as it had never undertaken before. Coupled with another clause, which, he understood, was meant to follow it, to empower the justices of any county to prevent hawkers and pedlers from entering it, was cruel and oppressive. Should they happen to be accused of carrying two or three pheasants or partridges out of the county, he believed that the justices would make no great difficulty in excluding them from it.

Mr.

Mr. *Gilbert* bore testimony to the industry and good character of the hawkers and pedlers in that part of the country with which he was more particularly acquainted. Mr. Gilbert.

Mr. *Pulteney* declared that, in his opinion, there was no pretence for the clause, as no evidence had been produced against the hawkers and pedlers. He believed that they interfered only with the smuggling shopkeepers. Mr. Pulteney.

The Committee divided,

Ayes, for the clause, 36; Noes, 29. Majority, 7.

Mr. *Rose* then brought up a clause to empower the Justices of any county to prevent hawkers and pedlers from entering it.

Mr. *Dempster* opposed it, and a short debate took place.

The Committee divided again,

Ayes, 26; Noes, 27. Majority against the clause, 1.

The remainder of the bill was then gone through.

The House adjourned.

Wednesday, 20th May.

Mr. *Alderman Watson*, presenting a petition against the abolition of the slave trade, from the merchants, mortgagees, annuitants, and others, materially interested in the West-India islands, observed, that the number of the petitioners was not large, but that the petition came from a class of men the most respectable and the most materially involved in the fate of the important question speedily to come under consideration. The Alderman declared, that he did not wish to go the full length of opposing any regulation of the slave trade, but that he was decidedly of opinion, that a speedy abolition of it was repugnant to every principle of humanity, of justice, of common sense, and of reason. Mr. Ald. Watson.

The petition was presented, and ordered to lie on the table.

Mr. *Mainwaring*, having adverted to an act of the sixth of the present King, relative to the preservation of trees, shrubs, and plants, observed, that it had proved inadequate to its end, and had failed to reach the object which it was natural to conclude it was in the contemplation of the Legislature to obtain when the act passed. The better to explain his meaning, he said, he would read the preamble of the statute in question, which he accordingly did, and which stated that the bill was deemed necessary for the better preservation of trees, plants, and shrubs; and it therefore enacted, that whoever should be convicted of breaking trees, plucking up plants, and rooting out shrubs in the night time, should be considered as guilty of felony. As the bill stood, the taking away and destroying of trees, plants, and shrubs, in the dead of night, was alone made felony, so that if any person

person came into a garden before it was the dark hour of the night, while it was twilight, or in the morning early, before it was sun-rise, or sufficiently broad day to distinguish who the offender was, he might with impunity break the trees, pluck up plants, root out shrubs, and destroy the most valuable produce of the gardener's continued pains, labour, and expence, with impunity. At least, the only remedy which the law in cases gave, was an action of trespass, which, for a variety of reasons, was nine times out of ten no remedy at all. Mr. Mainwaring compared the magnitude of the injury which might be done the subject, in the way he had described, with the injury sustained in his being robbed of a spade, a garden-rake, or any other instrument of horticulture, of trifling value, all of which were deemed property by the statutes in being, and protection was afforded to their owners, by its being deemed felony in any man convicted of stealing them. Another very great inconvenience arising from the law, as it stood at present, Mr. Mainwaring stated to be the extreme difficulty of establishing by evidence what was the deed of the night. On this hinge of doubt, a great many cases had turned, and numerous offenders, evidently guilty of having done the most essential injury to the property of individuals, had escaped conviction, because, unless it could be clearly proved, that a man who broke the trees, plucked up the plants, or rooted out shrubs, did it at the dark hour of the night, he did not come within the meaning of the statute, the preamble of which he had just read. For these reasons, he meant to move for leave to bring in a bill to amend the act of the sixth of the present King. He was aware of the proper aversion of the House, from the extension and increase of the penal statutes. Their number, undoubtedly was already too great; but there were cases which might be stated, that were too glaringly injurious not to demand some remedy; and the case in question, he flattered himself, was so obviously injurious and unprovided for, that no objection would be made to his bringing in the bill of amendment, especially when he declared, that the single amendment which he should propose, would be to leave out the words "by night," and insert the words "by day or night." Mr. Mainwaring then moved for "leave to bring in a bill to amend the act of 6th George III. cap. 36, relative to trees, shrubs, plants, &c."

Mr. Sheridan expressed his pleasure at perceiving that the honourable Member was inimical to the extension and increase of the penal laws. There were so many of those statutes, and in several cases they were carried to so extreme a degree of rigour and severity, that they proved a disgrace to the law books and to the country. He hoped, therefore, that

the House would always look with a peculiar degree of delicacy on every endeavour to increase the number of penal statutes, and to multiply robberies, felonies, and offences coming under those descriptions. With regard to the object of the honourable gentleman's proposed bill, he did not clearly comprehend it. The honourable gentleman had said, the Legislature, when it passed the act of the 6th of the present King, had one thing in their contemplation, and had enacted another. Was the fact strictly correct, or was it under the pretence of protecting nursery grounds to make it felony in a school-boy to rob an orchard, or was it that gooseberry bushes ought to be fenced round with gibbets, that the honourable gentleman now moved for a bill of amendment? If it were intended to go such an extent, it would be carrying the penal laws to a ridiculous degree of rigour.

Sir *Joseph Mawbey* contended, that all the object of his honourable friend was, to leave out the word "night," and to let the matter stand generally, many persons clearly guilty of having destroyed trees, shrubs, and plants, in gardens, with a felonious intention, having from the present form of the statute escaped conviction. He reasoned upon the injustice of the law as it stood, and declared he never could see why people who robbed at any other time, were not as guilty and ought not to be deemed as guilty of felony, as those who robbed at the dark hour of the night. Sir Joseph reminded the House of the infinite injury which might be done to gardeners, nurserymen, and other persons who had shrubberies and gardens, by having their grounds stripped and spoiled of their valuable flowers, plants, shrubs, and trees; and asked, whether the injury done the individual was less, whether it were done in the dark hour of the night, or in the twilight, while it would be equally difficult to ascertain the offender's figure and features?

Lord *William Russell* said, that he could not avoid considering the motion as strictly proper for the purpose of preventing the great injury which nurserymen and gardeners sustained from depredation by day as well as by night. They were intitled, in common with the rest of the subjects, to call upon the Legislature to afford them protection for their property.

Mr *Hussey* having observed that the honourable gentleman had said that there was no difference between offences committed in the night or in the day time, added that, in his humble opinion, there was an essential difference. He did not pretend to be peculiarly conversant in the laws, but he knew very well, that burglary and stealing in the night was a capital offence; whereas stealing by day, was only a single felony, and the reason was obviously because people were supposed to be capable of guarding their houses in the day time,

Mr.
Hussey.

Sir Joseph Mawbey. *Sir Joseph Mawbey* remarked, that the bill of amendment was not, as the honourable gentleman who spoke last conceived it to be, an extension of capital offences; and he could assure him, that if this had been the case, he would have opposed it as warmly as the honourable gentleman. The object in view was, merely to make that a single felony if committed by day, which the law, as it stood, pronounced to be felony, if committed by night. All which he contended, therefore, for, was, that the same injury done to an individual's property by day, ought to have the same remedy by law, which the law gave where it was done by night.

Mr. Hussy. *Mr. Hussy* answered, that he had not stated that the proposed bill was to create a new capital offence, but that it was extending the punishment denounced by the penal laws against offences committed in the night-time, to offences committed in the day time. Still conceiving all this to be at once needless and unwarrantable, he should persist in his determination to give his negative against the motion.

Ald. Le Mesurier. *Mr. Alderman Le Mesurier* begged leave to call to the recollection of the House, that most of the great nurseries and gardeners grounds were situated near the public roads, and within ten miles of the metropolis. Gentlemen must have observed, as they rode by, that many of the nurserymen's plantations were wide and extensive, some of them covering several acres; and that their palings and fences were for the most part low, and might be so weak and out of repair, as to afford a very insufficient security against the inroads of robbers and spoilers. Though many of the nurserymen and gardeners were at the expence of having watchmen by night, yet they might be robbed before it was quite dark, when it would be impossible, were the watchmen in that part of the garden, to ascertain the identity of the robbers.

Mr. Wyndham. *Mr. Wyndham* expressed his concern at perceiving a disposition prevail in favour of the multiplication and extension of the penal laws of late, which he conceived the House ought to guard against as a very great evil. Penal laws should not be extended, but where the necessity was urgent, and the case made out a very strong one, which he could not conceive to have been the fact at present. The honourable Magistrate (*Alderman Le Mesurier*) had stated that the fences about the grounds of nurserymen were very slight, and therefore the nurserymen chose to fence themselves by statutes. Instead of providing for their own security, by proper and sufficient palings to keep out robbers, as they ought to have done, it being the first and natural security for them to look to, they afforded robbers an opportunity of stealing their property, by rotten and insufficient palings. The question to be considered, *Mr. Wyndham* said, in his opinion, was, what

what amount of penal laws does the security of human life require? Viewing the present motion with a due regard to this consideration, he could not conceive it to be necessary, and therefore he should resist it. Day-light was of itself a security against robbery, and if that were not enough, the nurserymen's caution ought to superadd others.

Mr. *Rose*, arguing in favour of the motion, said that, as Mr. *Rose*. the law stood at present, it was difficult to convict a man, even if he stole in a garden in the night time; some alteration of the law, as it stood, was therefore so obviously necessary, that he flattered himself the bill would at least be permitted to be brought in. Mr. *Rose* added, that he could not see why a man who broke a garden fence in the day time, and robbed the garden of valuable trees, shrubs, and plants, should not be as liable to be transported, as if he had broken through a hedge, and stolen a horse out of the field or paddock which that hedge inclosed.

Mr. *Hussey* remarked that, upon this occasion, it might be necessary to ascertain whether the Judges had ever complained of the difficulty of conviction in the cases stated? For so many years as burglary had been made a capital offence, he never had heard that they had been under the least embarrassment in distinguishing between a burglary and simple stealing. Mr. *Hussey*.

Sir *James Johnstone* thought that the penal laws were too numerous and too sanguinary, and that the penalty which they inflicted was, in many cases, infinitely disproportionate, compared with the offence to which it applied, and in most cases it went far beyond it. Gentlemen talked of valuable property in gardens which might be stolen; did they mean pine apples? Let them have watchmen, if watchmen were necessary. Sir *James Johnstone*.

Mr. *Mainwaring* observed, that it was impossible for him to hear, without the utmost surprise, an honourable gentleman's declaration, that he did not understand his object. He had read to the House the greater part of the act, which he proposed to amend by a new bill, and surely, if the honourable Member, (Mr. *Sheridan*) had done him the favour to attend to him, he could easily have understood the whole of what he meant. Mr. *Mainwaring* said, that it had fallen within his own experience to observe, that it was extremely difficult indeed to convict a man of stealing in a gardener's grounds by night even, on account of the wording of the act of the sixth of the present King; and it was in consequence of that knowledge, and at the earnest application and desire of all the most respectable nurserymen and gardeners in the vicinity of the metropolis, that he made his motion. With regard to a nurseryman or gardener being obliged to hire a watchman to take care of his property, it was unnecessary. Mr. *Mainwaring*.

cessary. The law of this country said no such thing. The law was looked up to as the protector of all property, and nurserymen and gardeners were as much entitled to claim the protection of the law, as any other description of subjects. With regard to the value of the property of nurserymen and gardeners, no gentleman could ride along the road, but every wall would tell, what he might expect to be the value which it guarded.

Mr. Wigley. Mr. *Wigley* reminded the House of a circumstance which, he conceived, must strike them forcibly, and that was, that if any man entered a gardener's ground by day, and took away any tree, plant, or shrub, after it was taken out of the ground, it was felony, whereas, as the law stood, if a man rooted up either, and actually destroyed it, it was no criminal offence, but merely a trespass. This circumstance considered, and the shameful inadequacy of the law, as it stood, with regard to its application to each of the before-mentioned offences, he thought that every gentleman must be of opinion, that some regulations, so as to sanction a more summary process, was absolutely necessary. He begged the House to consider the delay and expence of prosecuting for a trespass; and that as soon as a man, who has committed a trespass, is attached, he may be bailed, and the cause would stand over to the next assizes or quarter sessions whichever first might happen; and that then a variety of difficulties present themselves, all tending to increase the expence of the process, and embarrass the prosecutor. A more summary mode of proceeding was, therefore, actually necessary. Mr. *Wigley*, in conclusion, recurred to his first and principal argument, that a man could not, at any time, take away a tree, plant, or shrub, after it was drawn out of the earth, without being liable to be indicted for a felony; and yet he might draw it out himself, and destroy it in the day time, without being liable to a criminal prosecution. There was so evident an absurdity in deeming the lesser injury a felony, and not considering the greater in the same point of view, that he trusted the honourable gentleman would wave his objection, and at least suffer the bill to be entertained, since, in a Committee, he would have an opportunity of proposing such amendments as might render it unobjectionable.

The House divided,

Ayes, 30. Noes, 6.

Which, with the four Tellers and Speaker, made forty-one. Leave was therefore given to bring in the bill.

Mr. Burges. Mr. *Burges*, on the order of the day's being read for resuming the adjourned debate on the debtors and creditors' bill, observed, that he understood, from private conversation, that it was the general wish that the bill should be referred to a Committee

Committee above stairs, he did not mean to take advantage of the order of the day, but without engrossing more of the time of the House, would merely move, that it be committed.

Mr. *Wigley* declared his intention not to divide the House against the motion, as he believed that it was generally agreed that the bill should go to a Committee above stairs; but he wished briefly to state his objections to it. So far from the bill's being calculated to relieve debtors, and expedite the processes of creditors, it appeared to him to be calculated to furnish delay, and to conduce to the oppression and ruin of the debtor. It struck also at the root of the bankrupt laws; and, because a man happened to be arrested by a creditor, who, in fact, might have no just demand upon him, it made him liable to be sent to a prison, worse than that of the most hardened felon. These and other objections, Mr. *Wigley* stated, and declared that, in his mind, they rendered the bill such as ought not to be received. He should, therefore, when it came before the House again, think it his duty to oppose it, unless it were materially altered in the Committee.

Mr.
Wigley.

Mr. *Pye* approved of the principle of the bill, but some of its clauses were, he said, so different from the principles of our Constitution, that they ought to be altered, and he trusted that they would be altered in the Committee.

Mr.
Burges.

Mr. *Burges* answered, that after what had been observed, he should appear wanting to the House and to himself, were he to remain silent. He declared, that he felt himself obliged to the honourable gentleman, for the suggestions he had thrown out, and that the House and the country were also obliged to him. For his own part, he was ready to meet the honourable gentleman then, or at any other time, on any of the points to which he had alluded, and particularly on the principles of the bill. There might be provisos in it requiring alteration, but the general principle of the bill itself, and of its various clauses, he was sure, was unobjectionable.

Mr. *Rolle* having asked whether any clause, attaching upon the cases of Crown debtors, could be introduced in the present bill, added, that Mr. Howard, in his humane publication respecting the prisons, had taken particular notice of the case of the unfortunate persons, to whom he had alluded, and pointed them out as objects peculiarly demanding some notice by the Legislature.

The bill was ordered to be committed.

The House adjourned.

Thursday

Thursday, 21st May.

When Captain Berkeley, as Chairman of the Committee appointed to enquire into the existing laws relative to the election of Members to serve for counties, had brought up the report, and moved for leave to introduce a bill upon the subject,

Sir Joseph Mawbey. Sir *Joseph Mawbey* desired to know to what point the bill went, and what was its principle?

Captain Berkeley. Captain *Berkeley* answered, that the object of the bill was to revive Mr. Powys's act, with certain amendments.

Sir Joseph Mawbey. Sir *Joseph Mawbey* asked, if the repeal of the county election act, passed last session, did not of itself revive the operation of Mr. Powys's act?

Mr. Vanfittart. Mr. *Vanfittart* remarked, that there were doubts and uncertainties with regard to the construction of Mr. Powys's act, which the intended new bill would remove. Under Mr. Powys's act, two different Committees had decided the same question on two occasions, upon principles and grounds diametrically opposite to each other. One Committee had decided, that where the person owning a freehold, which he had mortgaged, was left in possession of less than forty shillings, that person should not be allowed to vote, and another Committee had decided exactly differently. In another instance, two distinct Committees had decided one and the same question in a manner equally opposite. The aim, therefore, of the new bill, Mr. *Vanfittart* said, would be, to reconcile these contradictions, to define the principle of decision for the future, to clear up doubt, and to change uncertainty into certainty.

Lord Newhaven. Lord *Newhaven* observed, that there was an article in the Extraordinaries of the Army, which had been just presented, amounting to the enormous sum of 163,000*l.* which was nearly as much as the same charge amounted to in time of war. He therefore moved, "That a sufficient number of copies of the said Extraordinaries be printed for the use of the Members of the House."

Mr. Vyner. Mr. *Vyner* seconded the motion. He was fully convinced that the estimates ought to be printed.

Attorney General. The *Attorney General* differed from the two last speakers. In his opinion, there was no necessity for printing the army estimates in time of peace.

Captain Berkeley. Captain *Berkeley* was of the same opinion. He saw no reason whatever for printing the estimates, unless in time of war; he therefore hoped the noble Lord would withdraw his motion.

The question was put, and the motion was negatived.

Mr.

Mr. Wilberforce moved the order of the day for going into a Committee of the whole House on the Report of the Privy Council, and the several matters of evidence already upon the table, relative to the slave trade.

Mr. Alderman *Sawbridge* begged leave to ask the honour- Mr. Ald. able gentleman, if he meant to call any farther evidence in *Sawbridge* support of the several propositions laid upon the table by the honourable gentleman last Tuesday te'nnight, or to admit any evidence to be adduced by other gentlemen, to prove that the propositions were not founded sufficiently to warrant that House in proceeding upon them to the abolition of the slave trade?

Mr. *Wilberforce* answered, that certainly he had not the Mr. Wil- least intention of calling for any farther evidence, because he *berforce.* thought that the Report of the Privy Council, and the other evidence before the House, sufficiently made out and established every one of the propositions that he had stated to the House. With regard to admitting evidence to be adduced by others, it was not for him either to admit or to deny any farther evidence of any kind or tendency. He should think that it would be presumptuous in him to attempt to prescribe to the Committee. They would have the subject fully before them, and they would of course, in all respects, judge and decide for themselves.

Sir *John Miller* observed, that although no man respected Sir John the honourable gentleman more than he did, yet he was fully *Miller.* persuaded that the evidence now before the House was incompetent and improper. He was proceeding, when

The *Speaker* interrupted him, by saying, that the question. The now was not concerning the propriety of abolishing the slave *Speaker.* trade, but whether or not he should leave the chair?

Mr. Alderman *Sawbridge* remarked, that the answer Mr. Ald. which he received had, at length, fully determined him to *Sawbridge* oppose the question, and to resist so rash, impolitic, and unwise a measure as the unqualified abolition of the slave trade. Sufficient ground had not been made out for it, nor had that House before them any evidence upon which, as an House of Parliament, they ought to proceed. The object which gentlemen flattered themselves with obtaining, would not be obtained. Instead of serving the Africans, they would do them an injury, or they would no longer have control over them; and if they could not be sold as slaves, they would be butchered and executed at home. The honourable gentleman would likewise do great injury to the trade of this country, and was about to aim a furious blow at its commerce. The Alderman expatiated on the serious consequences which he imagined likely to follow the immediate abolition of the trade, and said that he believed the African merchants were

willing to submit to any regulations which Parliament might think it wise to apply to the trade, so that it were not abolished altogether. He declared that if the House grounded a bill upon so very important a subject on any other data than evidence examined at their bar, they gave up their inquisitorial power, and set so dangerous a precedent, that they knew not what mischief they might do. So far from going blindly upon the *ex parte* evidence contained in the Report of the Privy Council, they ought to take every evidence which could be procured, and to possess themselves of every possible degree of information before they went a step farther; and therefore it was, that he thought it a duty incumbent upon him to resist the motion for the Speaker's leaving the chair.

Mr. Drake Mr. *Drake* remarked that, upon the present occasion, he should adopt the language of the celebrated comic writer of the ancients: "*Homo sum: humanum nihil a me alienum puto.*" No man could go farther than he would, in acting upon that sentiment; but the present subject involved in it considerations of so important a nature, that the House ought not to decide upon it without much previous discussion, and infinite deliberation. As for himself, he was not present in the course of the preceding week, when the honourable gentleman who introduced the subject, and stated the grounds of the opinion which he had formed upon it, in a speech which did the highest honour to his heart, his talents, and his eloquence. That honourable gentleman knew how much he admired him for his humanity and his good intention; but although the honourable gentleman might rest perfectly assured that he would have him with him on almost every question which he could bring forward, yet, upon the present occasion, the honourable gentleman must allow him to have some doubts removed, before he could expect his vote. In his absence, an absence occasioned by his having been engaged in the discharge of other public duty, to which he was willing to make a sacrifice of his time, and, to a reasonable degree, of his health, he understood that a question had been put to the right honourable gentleman, that worthy and admirable Minister, who might with propriety be termed the Necker of this country, which had received a direct negative. The right honourable gentleman, that great and good character, whom he loved dearly, that paragon of a Financier, that paramount man, had declared, in the most explicit terms, that no compensation was to be given to those, who would suffer materially in their property by the unqualified abolition of the slave trade. This he considered to be in the highest degree unjust. Upon this ground, he could not avoid reprobating the measure. It was an unqualified, an immoderate, and a desperate expedient. He protested that no man was

more

more ready than he was to vote away money, when that money was to come out of his own pocket, but that he could not reconcile it to his conscience to be generous at the expense of others. Unless, therefore, the property of the country was committed to its fullest extent, in order to make compensation to those who were to be losers by the sacrifice to humanity, which some gentlemen were eager to make, he could not refrain from giving his vote against the Speaker's leaving the chair. Mr. Drake apologized to the House for the rough way in which he had thrown out his thoughts, declaring that he came totally unprepared to speak upon the subject, as the House might perceive, from "the unmeasured phrase" which he had used in expressing his sentiments. All he wished was, that a reasonable indemnity should be made to those who were to suffer in their property by the measure proposed, and in that idea he relied on the justice, the generosity, and the candor of the majority of that House, for concurrence and support. In conclusion, Mr. Drake repeatedly declared, that with regard to the Speaker's leaving the chair, he should say, "No!" That as for himself, he was not a perfect man; but "*H. manum est errare.*" He was, however, convinced that the proposition of the honourable gentleman for the total abolition of the slave trade, was very prejudicial to the interests of Great Britain, as a political nation; nor should he sleep sound at night upon his pillow, if the House agreed to it so precipitately; he was more and more confirmed in the opinion, that the abolition would be destructive to our commerce, and therefore he should resist the motion, and not recede one inch.

Mr. Alderman *Newnham* contended that the Report of the Mr. Ald. Privy Council ought not to be made a ground of proceeding *Newnham* in that House; not that he meant to cast any reflection on the Privy Council, or to suggest, that, in taking the evidence, and forming the Report, they had not acted with perfect fairness; but he conceived that every evidence stated to that House ought to be examined carefully, and the House should also have the benefit of a cross-examination of the witnesses, which could not be the case, unless the witnesses were examined at the bar of the House. He had presented a petition the other day, against the abolition of the slave trade, from the African merchants, and he well knew that they were perfectly ready to receive any regulation that the House should think proper to make, nor did the Minister's pledging himself that nothing short of an entire abolition could cure the evils and mischief attending the trade, at all convince him that such was the fact. With regard to the property of the country being answerable for the losses that would follow the abolition, as the honourable gentleman who spoke

last had stated; and the fact was, that the loss must ultimately fall on the property of the country, because the country in general would participate in those losses. If a severe blow were struck at the commerce of the country, it would affect the landed interest, and affect the funds. The national debt would suffer from it, the money to diminish it would no longer accrue, and every man of every description, who at present thought himself by no means connected, or concerned in the question of the slave trade, would feel that its consequences came home to him and his interests. The honourable gentleman had said that the French would run the race of humanity with us. Was this certain? Could it be determined, whether upon our quitting the slave trade, the French would not take it up? At any rate, we should make slaves cheaper to other countries. For these, and a variety of other reasons, the Alderman contended that the House ought not to run the hazard of giving an important and valuable branch of trade out of their hands, and therefore he declared that he should object to the Speaker's leaving the chair.

Mr. Powys. Mr. Powys wished to know the mode meant to be pursued by the honourable mover, when the Speaker should leave the chair. He was sorry that his plan had not been sufficiently explained. If it had been clearly illustrated what he intended to introduce in the Committee, gentlemen could easily have come to their determinations concerning the propriety of the measure; but, as it appeared at present, an opinion could not be formed with that correctness necessary on such a momentous subject. The evidence now before the House he considered as partial, incomplete, and unsatisfactory. He had endeavoured to make up his mind on the occasion, but found it impossible. Why? Because he could not consent to any deviation from the usual rules of Parliament. He could not admit the evidence of a Privy Council as competent for the House. There was, however, another objection, the resolutions proposed by the honourable gentleman, on whose humanity he was ready to bestow the highest encomiums, had not been a sufficient time before the House. Hence he could not form any opinion on the subject. The mode of proceeding, he was sorry to say, had been rather irregular and unsatisfactory. He acknowledged that from the information which had been produced during the last session of Parliament, he was ready to give his consent to the introduction of a bill for the abolition of the slave trade. While, however, he made this confession, he could not acquiesce to an unparliamentary usage. Evidence ought to be called to the bar in the manner uniformly adopted, and the business receive a fair and candid discussion. The evidence he must, as a Member

ber of Parliament appointed to act as a guardian for his constituents and the nation at large, condemn. If the abolition of the slave trade be thought right, let us not proceed upon erroneous principles. Let us call the merchants to our bar, and demand their reasons for such a traffic. Let us not deprive them of their trade without hearing them in their own vindication. He must demur (he said) to the precipitation which appeared; and as he could never agree to any act of the nature now in agitation without a full examination of evidence at the bar, he considered himself bound to oppose the motion for the Speaker's leaving the chair.

Mr. *Rolle* disapproved of the evidence of the Privy Council as unparliamentary and irregular. He considered the question for the abolition of the slave trade as very important to the interest of the country. It was what concerned all Europe, the subjects of which were now waiting with anxiety for the determination of the House. He had been instructed by his constituents to oppose the proposition; but, had he not received their injunctions, he should, from his own conviction, have acted in the same manner. He hoped that gentlemen would not proceed with that precipitation which was now evident. He flattered himself that they would now pause, and seriously consider the fatal tendency of the measure to our commerce, and to our importance as a great political nation. He concluded by declaring that he was resolved to insist upon hearing every kind of evidence which could be produced; and therefore he opposed the Speaker's leaving the chair till the House should have received better information on the subject.

Mr. Alderman *Watson* remarked that as the question respecting the slave trade, was of the utmost magnitude and importance, it ought not to be decided upon but from the fullest and most satisfactory evidence. Upon this occasion, it behoved the House to recur to testimonies of every nature connected with a point of such material consequence.

Mr. *Henniker* having begged leave earnestly to press upon the House the necessity of fully investigating the particular state and management of the slave trade, previously to their decision concerning the proposal, declared that in his opinion proper regulations might answer every necessary end of humanity, and that the trade might still be maintained. Having premised that he held in his hand an original letter from the King of the Dawhomayians, a people inhabiting a district of Africa, 300 miles inland from the sea; that this letter had been sent to King George I.; was found among the papers of James, the first Duke of Chandos, who had been governor of the African company, had descended from the late Duke
to

to the present, and was by the present Duke put into his (Mr. Henniker's) hands. He then read as follows:

" From my great and principal palace of Abomey in the
 " kingdom of Dawhomay and empire of Pawpow. Janu-
 " ary 1726,

" Great Prince,

" Being informed and sensible of your mighty wars,
 " grandure and power over other white kings and kingdoms,
 " makes me send home your subject Bullfinch Lambe whom
 " wee call Yewo or white man, not haveing or ever had any
 " in our kingdoms before; though my brother and father
 " before me made considerable offers to the kings of Ardah,
 " Whidah and Jacquin, to permit and encourage one to come
 " to us that wee mought see what wee had so much heard of,
 " and look upon, as it ware almost eaqal to our gods,
 " though many of my common subjects never thought of
 " such people being in the world, till I made a captive of the
 " said white man, att my conquest over the great king and
 " kingdom of Ardah; my country being from the great wat-
 " ters or sea about 300 miles, which we nor any of our sub-
 " jects was ever permitted to come to see, (unless when
 " made slaves of) for it was impossible to come thare without
 " passing through the countrey of the then great king of
 " Ardah, also the Widah's or Jacquin's country, which they
 " would not permitt.

" I hope this may be a means of making me known to
 " Your Majesty and tradeing subjects to these parts, and as
 " a token of my desired friendship and alliance send by him
 " to Your Majesty, a present of fourty slaves, and if you
 " desire it fourty times fourty are at your service; the other
 " fourty which I have given him, he is to make use of as he
 " think fitt, to enable him to return to me again, and bring
 " back with him his linguister Adome Oronoco Als Captain
 " Tain, for whom I have a great vallew. Your Affrican
 " company, of which I understand you are the chief, I am
 " informed dose not trade so much as usal, by reason they
 " want your friendship and encoragement, as formerly they
 " had from your predecessors; but now hope and begg you'll
 " promoate trade to these parts, and they shall find much
 " better usage and treatement than they did in the reign of
 " the arbitrary king or emperor of Ardah and Jacquin, &c.

" I am mighttily surprised at one thing this white man
 " tells me amongst others which is that hereafter thare will
 " be a restitution of all things, no more wars, no more
 " trade, nor no more people, die wee must, that wee see
 " daily, but the other startlets me; for after death wee cer-
 " certainly

“ tainly believe wee shall be something in the other world as
 “ well as this, and who shall be affraid to die which is a
 “ thing so common.

“ I much admire the white man's way of corresponding,
 “ by way of writing, the knowledge of wick and other things
 “ your God has given you beyond us, by which means you
 “ know his ways, wee think and believe him to be the
 “ greatest of gods, and that he has appointed our gods or fete-
 “ alhes to rule, govern, direct, kill or destroy us as wee act.

“ But wee think it very strange that your God, laws and
 “ customs confine so great a king to one wife, and that the
 “ women have and are allowed so much power as wee here;
 “ thay are even to reign over men—but no more of that,
 “ customs of countries differ.

“ I his white man I have detained near this three years, to
 “ informe me as much as he could of your manners, customs,
 “ and laws, and withall till I had subdued other petty king-
 “ doms, and made myselfe sole monarck down to the sea;
 “ and then in land I have worke enough for many years,
 “ so that thare will nor shall be any want of slaves.

“ I have yet that proud king and people of Widah to sub-
 “ dew, who vainly think themselves above my power; but
 “ I'll let them see thare is no withstanding the Dawhomayns
 “ unless thare owne gods fight against them.

“ By this white man's means or persuasions, I have desist-
 “ ed for this year past, and have likewise forborne going on
 “ Jacquin, (who since have submitted themselves, and be-
 “ come tributary to me) he telling me that it would be a
 “ discouragement to trade, and I should frighten away the
 “ white men, for whom I have great vallew; but now I find
 “ I have no way to bring the Widahs under but by force,
 “ it must be done, and when I send my general and captain
 “ of war on an arrent, thay must not com back without suc-
 “ cesa.

“ My grandfather was no warryer, and only enlarged his
 “ dominions by conquering one kingdom; my father nine;
 “ but my brother fought seventy-nine battles, in which he
 “ subdued several petty kingdoms; but myself have fought
 “ two hundred and nine battles, in wick I have subdued
 “ many great kings and kingdoms, some of which are con-
 “ tinually revolting and keeps me employed.

“ By computation I can send near 500,000 armed and well-
 “ skill'd man to battle, that being what all my subjects are
 “ bread to (but the women stav at home to plant and manure
 “ the earth). I also keep a sufficient number of armed forces
 “ about me, leást I should be attacked or surprized from the
 “ northward, eastward, or westward, and my army gon to
 “ the southward.

“ Boath

“ Boath I and my predeceffors ware, and are, gret admirers
 “ of fire armes, and have allmoſt intirely left of the uſe of
 “ bows and arrows, though much nearer the ſea uſe them, and
 “ other old faſhioned weapons, as ſcragged ſpears, and a ſhort
 “ ſort of batt or ſtick, with a large nobb at the end, which
 “ they ſo dextrouſly throw, that whatever it hits, it prodi-
 “ giously bruſes and wounds; but we think none better than
 “ the gunn, and a neree ſorte of muſkeet, or curliſs, which
 “ wee make ourſelves, and will cleave as a broad axe.—Could
 “ wee but come into the ſecret of making powder, or be bet-
 “ ter ſupplied, I ſhould ſpent vaſt quantities in my diver-
 “ ſion, haveing, at the conqueſt of Ardah, taken ſeverall
 “ pieces of canon, which was thought a great thing to be
 “ brought up ſo far as thare; but my people brought them
 “ up to me, with ſeverall others I have ſince purchaſed,
 “ which has been very difficult and troubleſome to bring by
 “ hand, ſo farr in-land; but my people ſtick or ſtop att. no-
 “ thing to ſerve me, for I reward them well, and puniſh
 “ them well, according to there deſerts, a rule with me in
 “ government.

“ As I acknowledge you the greateſt of Kings, under
 “ your union flag, which I have taken upon me to hoist,
 “ I drink your Maſteſty's health, and ſhould oftner, only I
 “ am obliged allways to keep a ſufficient magazine of pow-
 “ der, for fear of being attacked by ſome great countries,
 “ which are beyond and wide of me; but as they are att a
 “ vaſt diſtance, and muſt be a conſiderable time a-coming, I
 “ have always time to prepare to receive them, as wee did
 “ in my brother's reigne, the Great Nulow Yowzie Cogo-
 “ tow Hallecewtrode Tropa King of Wimey, who with his
 “ army of ſeverall hundred thouſands, were deſtroyed (my-
 “ ſelf being then head general.) The King's head we have
 “ preſerved to this day, with fleſh and hare on; the head of
 “ his generalls wee diſtinguiſhed by giving them place on
 “ each ſide of the doers of our Feteaſh houſes; and his under
 “ captains of warr's heads have paved all before the doores;
 “ and the head of the common ſoldiers wee ſhatt round the
 “ walls of the palace of our anceſtors, as cloſe as they can
 “ lye one by another; and ſince that I have been ſo fortu-
 “ nate in warr. that I have not only compleated that (which
 “ is in circumference about three miles) but three-fourths of
 “ my owne houſe before I was king, which is about a mile
 “ and a half round, and hope in time to compleat the out
 “ walls of all my great houſes in the ſame manner, which
 “ are in number leven, and containes my wiſes, which are
 “ in number at leaſt as many thouſands, beſides houſehold
 “ ſlaves, but no man ſleeps within the walls of any of them
 “ after ſun-ſett but myſelfe.

“ My

" My houses under myself is entirely govern'd by my
 " chief wives, with all the ease imaginable, unless dore-
 " keepers and thare assistants, who are always a robust sort
 " of women slaves. I have no disturbance or controversies
 " whatever, either amongst my wives or other subjects, every
 " one knowing thare duty, place, and station, for if any
 " transgress against my laws or customs, or att least them
 " of my fore-fathers, thay must suffer by death, and some-
 " times not in my power to save them, without violating the
 " laws of my gods, kingdom, and predecessors, and bring
 " thare curse on me and country: however I never give sen-
 " tence without sufficient proof, or the gods convicting them
 " by thare taking the feteash, and after that I sometimes en-
 " deavour to make it up by thare contrition, and some offer-
 " ings to the gods and my deceased relations, who, wee
 " firmly believe, has a power of revenging any wrongs done
 " to them by violating the laws and customs of thare coun-
 " try and ancestors, and that it is in thare power also to
 " prosper us or frustrate our designs, nay even to take away
 " our lives.

" I hope you, or att least your trading subjects, will send
 " me back this white man as governor, or chief over other
 " white man and woman, to live in my country, and thay
 " shall have as many of my subjects as they desire to assist
 " them in building a castle, fort, house, or houses, as thay
 " shall think fitt and convenient for trade.

" When I send my forces against Widah, as I fully pro-
 " pose to do, I shall give orders to my generalls to take care
 " not to hurte any of the white mans goods or persons, if
 " they keep in thare fort and factory; but if they come in a
 " warrlike manner to assiste the kings and people, and hap-
 " pened to be kill'd and wound, must not blame me or
 " people.

" This white man will informe your merchants traders to
 " my country what I desire and is fitt for me, for thare is
 " nothing so costly, rich, and fine, but what I'll purchase,
 " even to a thousand slaves for any single thing (that may
 " be worth it), he knows what I'll like, besides the common
 " commodities, as guns, powder, cowries, our moneye,
 " &c.

" For as I hear you are the greatest of white kings, so I
 " think myself the greatest of black ones or emperor, having
 " now of many kings under me, who durste not come into
 " my presence without falling flatt on the ground, and rub-
 " bing their mouth nine times in the dust before they opens
 " it to speak to me; and when I confer any dignities or fa-
 " vours on them, wipe the soles of my feet with the haire

“ of their heads, throwing dust over themselves, and make-
 “ ing the very skies ring with thares and there peoples accla-
 “ mation; but this only as to my owne people and subjects;
 “ as to the white man, he always satt in a chaire in my pre-
 “ sence as I did, and always shewed him the same compli-
 “ ments as he shewed me, and shall continew to all white
 “ man the same, according to their stations.

“ My customs differ very much from them of the kings
 “ of Ardash, for they, after being made kings, never went
 “ out of doores, or abroad to be seene by the common people,
 “ but always indulged and diverted themselves in the small
 “ compass of thare palace amongst there wives, who was
 “ under the care att other times of there venucks; and at
 “ the conquest of that country I took severall of them along
 “ with his wives; the woman I thought good to add to my
 “ owne, as we esteem ourselves, and are look'd upon by all
 “ neighbouring nations the greater and richer the more we
 “ have; but as to evenucks, (a useless sort of fellows) I gave
 “ them back to his son with some thouldands of his old people
 “ and relations. On my restoring him to his kingdom,
 “ which is now tributary to me, with the rest of his depen-
 “ dant kingdoms, nine of whose princes came in one month
 “ to be re-enslated by me, which I did with the same cere-
 “ mony as formerly done by the kings of Ardash, which is
 “ as follows, viz. Being assembled, they signify to some of
 “ them, that they are come to submitt themselves and coun-
 “ trys to me, and that for ever after they will owne no one to
 “ be the great king or emperor, but me and my successors,
 “ deny any allegiance to the king of Ardash, which was
 “ killed in the conquest, and now, as it ware in the bushes,
 “ pretends a write of being the great king or emperor, though
 “ I have gott it by force of arms, and the son of the late
 “ king has been made by me in the same manner as the rest;
 “ but if he has not a great care, he and his adherents may
 “ chance to share the same fate as his brother did, for I'll
 “ have his head if possible; but as to the ceremony, it being
 “ signified to me as before, I order a silk gound, hatt, chair,
 “ and soard to be brought out by separate persons, and car-
 “ ried before me to the prince who is to receive them, upon
 “ which two of my old oves or judges veste him with the
 “ gounde and hatt, then I seat him in the chaire and deliver
 “ to him the soard, wich he is to be assistant to me with,
 “ and defend his cuntry against any of our enemies; this
 “ being done, he rises from the chaire, falls on the ground,
 “ and kisses it nine times, and between every three, clapping
 “ his hands in a very regular manner, the same is done by
 “ all his caboshiers and people about him, which I answer

“ by

“ by a claping of my hands standing; after this he remains
 “ on his knees, or sitting or lying on the ground, for he’s
 “ not to sit on any thing above it in my presence; after
 “ that time, the chaire being for his own house amongst his
 “ own subjects; after this I dismiss him with giving him
 “ and people severall presents of clauth, corall, brandy,
 “ pipes and tobacco, and a sume of money to bear their
 “ expences home, they being pleased with the reception they
 “ mett with, and I with having added a kingdom to my
 “ dominions.

“ We have a custom, which is quite contrary to Ardab-
 “ rians—I am obliged to go out at different times in the year,
 “ and strow great quantities of goods and money amongst
 “ the common people, and make sacrifices to our gods and
 “ forefathers, sometimes of slaves (which custom I have
 “ much broke) sometimes of horses, other times of oxen, and
 “ other creatures.

“ I very often besides love to go abroad about eight or ten
 “ miles an end, in what is call’d by the Portuguese a super-
 “ entine; not but that I have many fine chaires, but do not
 “ like to trust to my people’s carrying them, not being so
 “ much used to them as the other. When I am out I fix
 “ myself under some great shadey tree; where I view what
 “ number of armed people I have ready in two or three
 “ hours; by this time up comes two or three hundred of my
 “ inferior wives, the chief favourites being about my person
 “ in sundry stations, some to fan and cool me, others to
 “ keep the flies away with whisks, others holding my armes,
 “ as guns, pistols, and sabre, &c. others again holding ke-
 “ dysalls or umbrellows, which stand on the ground and
 “ make a canopy over my chaire, and another to fill and
 “ light my pipe, which being done, I order the aforesaid
 “ bands of women to be unloaded, who have each a case of
 “ brandy, though cloathed in crimson, green, blue, and
 “ black velvett and fine silks, and arrayed with great quan-
 “ tities of large corall (for my slaves buy me things of all
 “ nations.) Besides, I have many fine things which comes
 “ over land, by a people which are called Mallays, and are,
 “ in coming some months; there religion are Mahometans
 “ (and tells me that near the sea, on the other side, are a
 “ sort of white man;) I have many of these people in my
 “ country, and follow thare several occupations as well as
 “ trading, in which I give them great encouragement (as I
 “ do to all strangers.) I have appointed a governor or petty
 “ king of their owne over them; these ware the people who
 “ some of them used to go down to Whidah and Jacquin,
 “ and come back and give us an account of the stranger

“ manner of ships and white man coming to trade thare,
 “ which we long found to be true by thare gunns, powder,
 “ and all sorts of goods being brought from market to mar-
 “ ket.

“ But to return :—When I have smoked my pipe, and my
 “ people have pretty well exercised themselves in activety of
 “ body, by running, leaping, and firing thare arms, as if
 “ engaged, I order my brandy to be distributed, which is
 “ soone made away with, and then the sun being pretty
 “ well gon, I return home with the acclamations of my
 “ people, with my drums beating, and hornes of different
 “ sortes sounding, with other sortes of my country musick,
 “ in wich I have great numbers day and night continually
 “ imployed about my house.

“ I shall not trouble you much more on these things, but
 “ hope to hear from Your Majesty per the aforesaid white
 “ man, who has promised me to return, and bring back with
 “ him his aforesaid linguister, Captain Tom, who is one of
 “ the king of Jacquin’s family, who I took likewise at Ar-
 “ dah with him, and being desireous to go and see England,
 “ I send him, that on his return, unless death prevents, he
 “ may give me a large account of Your Majesty countries
 “ and dominions; and that he may the better qualify him-
 “ selfe for the great post of Yewo Gah Als, Captain Blanco,
 “ or the white man’s cabochiere, which I designe to give him
 “ on his return, and hope that he’ll be more fitt and capable
 “ to answer the white man’s endes than any one heretofore,
 “ knowing thare ways and customs.

“ So one more hoping Your Majesty, the company or
 “ trading subjects will not fail to send me back this white
 “ man, who is now to me as much as my son, whom I de-
 “ sign shall succeed me, and whoever comes with him shall
 “ not want encouragement; neither shall any ship that
 “ comes by his means, and to him, pay any tribute or cus-
 “ toms to me, as they did to the king of Ardah, for six
 “ years after his arrival att Jacquin or Dawhomay.

“ He can informe you more att large of my wars, con-
 “ quests, greatness and grandure, though a black; so shall
 “ take leave, and hope your God will always prosper your
 “ wars and undertakeings, and committ the said white man
 “ to his and your care, for I shall not faile (as I have already
 “ done) to offer sacrifices to mine continually for his preser-
 “ vation and safe return, with assurances to them that on it
 “ I will give for that purpose oxen, hoggs, sheep, and
 “ goats, &c. and shall be more rejoiced att it, then att
 “ the greatest battle or conquest I ever won; so I, remain,
 “ with

“ with the most profound respect, as the Gods have made
 “ us blacks to serve you,

“ Great Prince,

“ Your Majesty's most faithful and

“ obedient friend humble servant,

“ Trudo Audato Povesaw Dau-

“ jerenjon Duveveto Ene-Mot-

“ tee Addee Pow, a Powlo

“ Cow Hullo Neccresy,

“ Emperor of Dawhomay.

“ P. S. Could I write my own hand, or explain myself as
 “ I would, I should say a great deal, but believe this white
 “ man has done it as much as possible.”

Having read the letter, Mr. Henniker observed, that far from admiring the writer, he thought him a detestable character. The facts, however, mentioned in the letter, afforded an unanswerable proof, that the Africans were naturally inclined to barbarity, since the horrid practices which he had read an account of, were committed by a prince and people resident three hundred miles distant from the sea, and who consequently could not have been taught by Europeans to act such scenes of cruelty; and hence, Mr. Henniker contended, that it appeared natural to draw the inference, that the cruelties practised at this day on the African slaves by those of their own country, who made them captives in war, were not imputable to our commerce with them; but that if we did not take the slaves off their hands, the miserable wretches would suffer still more severely. With the following quotation from the speech of Cicero on the Manilian war, Mr. Henniker concluded his remarks against the abolition of the slave trade:

“ *Aguntur certissima populi vestigia & maxima; quibus
 “ amissa & pacis ornamenta, & subsidia belli requiretis: aguntur
 “ bona multorum civium quibus est, & a vobis, & ab imperato-
 “ ribus re publica consulendum.*”

Mr. Courtenay was of opinion that every argument which
 had been advanced, went to the support of the motion for
 the Speaker's leaving the chair. Some gentlemen had de-
 clared that the evidence was incompetent and unsatisfactory.
 This assertion certainly favoured the motion, the Committee
 being the only place and time for the correction of incom-
 petent evidence. Others again said, that the evidence now
 before the House was contrary to the usage of Parliament;
 that a fuller examination ought to take place; and that the
 evidence should appear at the bar of the House. The argu-
 ments likewise favoured the motion for the House immedi-
 ately

ately going into a Committee, in order to amend the plan of proceedings. He, for his part, was convinced, that the evidence of the Privy Council, which had been printed, and submitted to the consideration of the House, was in every respect satisfactory. If gentlemen wanted a variety of evidence, that before them certainly came under the description. It could not be called an *ex parte* evidence, because there was no uniformity observable—it being contradictory to every point. So much, again, in favour of the Committee. He was apt, he confessed, to support the abolition of the slave trade, as he saw several gentlemen who possessed the best information of the subject demur on the occasion; and some again avow themselves favourers of the measure. Among others, whose names appeared in the report of the Privy Council, was Governor Devaynes, who seemed to consent to the proposition; as no man could say, that he had as yet taken an active part against it, he might presume to think that he was a friend to the abolition. Such a high authority was certainly a strong bias on the minds of many who were less informed, and he confessed that it had great influence on the formation of his opinion; but, say some humane gentlemen, why place the poor negroes in a worse situation than they now are? If your philanthropy extends remarkably, and with such anxiety to the African natives, why diminish, instead of increase, their happiness? “They live,” say these humane gentlemen, “in such a luxurious and happy state, that they may be envied by the labourers and farmers of this country.” When he recollected what he had read in the Report now before the House, he must totally differ from these gentlemen. With regard to the danger likely to result from the adoption of the abolition, he must likewise declare, that he entertained a contrary opinion. It could not be detrimental to the finances of the country—it could not be detrimental to our commerce; for, the merchants might easily turn their attention and industry to other objects of traffic. He remembered, that at the time when it was proposed to emancipate the slaves, gentlemen then interested exclaimed, that it would ruin the commerce, and destroy the political consequence of our possessions in the West Indies; but, as gentlemen of more profound knowledge had augured, it afterwards appeared, that instead of destroying the commerce, or affecting the political consequence of the West-India islands, both had experienced the contrary, and the negroes appeared more healthy and vigorous.

Mr. Vyner Mr. Vyner observed, that as he had been the person who, on a former most solemn and serious occasion, had called upon the House not to rely implicitly on the evidence stated in a Report of the Privy Council, and as he had then called upon

upon them with success, he hoped, in like manner, again to succeed, when he advised them by no means to rely on the Report of the Privy Council on the table. There was, Mr. Vyner admitted, a distinction and some difference between the circumstances attending the two Reports. The former Report respecting the King's illness was, indeed, a report of evidence delivered before one of the largest and most comprehensive Privy Councils that ever was summoned; whereas the present Report was a report of evidence adduced before a select Privy Council, and, perhaps, it was not the better on this account. Be that as it might, the House ought to have such evidence before them, as had been either delivered at their own bar, or before one of their own Committee. Mr. Vyner declared this to be his opinion respecting a parliamentary proceeding; and he could not alter his opinion, without hearing some reasons for a different opinion. He hoped that those reasons would be given, and if they were, doubtless they would prove of considerable weight. Being as yet not decided as to the manner in which it would become him to vote, he was the more anxious to have his sentiments regulated by such matter as might present itself, in the course of a deliberate investigation.

Lord *Maitland* affirmed, that he was decidedly of opinion that the Speaker ought not to leave the chair. The honourable gentleman who brought forward the business, should have explained fully the plan which he meant to be pursued when in the Committee. He perfectly agreed with the honourable Alderman (Newnham) that the present measure would very materially affect the interests of this country. The evidence was incompetent and unsatisfactory, and, above all, contrary to the established regulations of Parliament. If, added Lord Maitland, you attempt to deprive the merchants of a lucrative species of traffic, you ought certainly to hear their statements. Some of these objections may, perhaps, tend to alter the opinions formed by many gentlemen. But if you condemn them by a confiscation or deprivation of property, you act very unjustly, and contrary to the honourable sentiments with which a British Parliament has always been distinguished. The trade ought not to be abolished. It is a property, as much as any other property in the country, and therefore ought to be preserved and protected as well as that of any company in the kingdom. If you commit a deprivation, you commit a breach of the chartered rights of the country, and in future there would be no safety for property. With permission of the House, Lord Maitland said, I will make the following supposition, for argument's sake.—Were a foreigner just arrived in the country, and ignorant of the laws and institutions of the land,

Lord
Maitland.

to ask upon what principles of government we conducted our commerce, and what were the privileges annexed to a merchant, I would endeavour to explain the advantages, by saying, that the immunities of the merchant were protected by the existing laws of the country, and that every privilege annexed to the profession was sacred; but were a violation of those rights to ensue by a total deprivation of trade, the laws and institutions of this country must then appear in a very contemptible point of view. A business of such vast magnitude should not be decided by the evidence of the Privy Council, which was incompetent and unparliamentary. It were to be wished that the same steps had been followed which had distinguished the proceedings upon the Irish propositions, and those concerning the late unhappy state of the King's health. Evidence was then examined at the bar of the House. Then why not on the present occasion, especially when many respectable gentlemen had declared that what had been presented was unsatisfactory.

In conclusion Lord Maitland said that he perfectly agreed with the honourable gentleman (Mr. Courtenay) behind him, that the evidence was contradictory. He was not against the discussion of the question, but against the evidence in the possession of the House. He could never consent to a deviation from the usage of Parliament, or that the manufactured evidence of the Privy Council should form grounds of proceeding upon one of the most important questions ever agitated in a British Parliament.

Mr. Chancellor *Pitt* observed that far from conceiving that the least impropriety or inconvenience could arise from the Speaker's leaving the chair, and the House forming itself into a Committee, he felt himself fully justified (and this even by the arguments which had occurred during the course of the debate) in earnestly recommending the last measure. As the proof that the report was not contradictory, rested upon a stubborn fact, any further enquiry respecting this subject must be not merely needless but an intrusive trespass upon the time which it was in the power of the House to employ to more advantage. The noble Lord who spoke last appeared to conceive that it was irregular in the House to proceed upon evidence given in any other manner than delivered *viva voce* at their bar, and he had contended that to regard any evidence given before others, and, in another shape, was to surrender their privileges as a House of Commons. Had the House, on any occasion, previously resolved to receive no evidence on a given subject, but from the Privy Council, that would, indeed, be to strike at the House of Commons; but to say that the House could, on no occasion, receive evidence, taken where it was most convenient to take it, and

every part of that evidence subject to new investigation if any gentleman doubted its validity, was, certainly, by no means, correct. The report of the Privy Council consisted of three parts; the first, of calculations and accounts officially prepared from the public offices, where such accounts are kept, and therefore those calculations and accounts were just as authentic as if they had been delivered in separately at the table of that House. The second consisted of returns in writing from the several places mentioned at the head of them, altogether forming a body of evidence, which from its nature could not be given *viva voce*, and which could only be communicated in writing. The third part contained minutes of the *viva voce* evidence of the several persons examined before the Privy Council. That part of the Report was arranged under distinct heads, and the Privy Council had given the names of the several parties, so that if any gentleman doubted either the evidence of the witnesses, or wished for a cross examination of them, it was open to him to go into a re-examination of the evidence of the whole, or of each individual witness. It was open to the noble Lord to do so, and, if he thought it necessary, it was his duty to do it. The noble Lord said that it was a weak and imperfect Report. He would have the advantage of that weakness, and that imperfection. It was a little hard when the honourable gentleman (Mr. Wilberforce) had observed "weak and imperfect as the Report may be supposed, I think it strong enough to bear out my propositions," that then those who objected should ground their opposition to the measure by saying, "we object, because the ground of evidence on which you rest them is too weak to support the cause." Unless it were really meant (and the meaning was but thinly disguised) to intimate that the House would not consider nor enquire into what it had pledged itself to examine, he saw no reason whatever for not going immediately into a Committee; and he wished gentlemen to consider whether it became the dignity of their proceedings to obstruct the progress to an enquiry which the House had pledged itself to undertake. In conclusion Mr. Chancellor Pitt remarked that if he had been betrayed into any improper warmth, he begged to apologize to the House. His wish was that the whole of the subject should be fully, but temperately, examined and discussed.

Sir Grey Cooper confessed himself a friend to the enquiry, therefore wished the House to resolve itself into a Committee. He expressed, however, his apprehension that the Representatives of a generous and brave people were carried by too rapid steps to the adoption of a measure which introduced such novelty in the commercial concerns of the West Indies. Those men who were distinguished for philanthropy, goodness

Sir Grey
Cooper.

ness of heart, and the milk of human kindness, might be misled and hurried to the adoption of a measure which tended to the injury of our West-India islands. He confessed, that notwithstanding many men of great abilities coincided in their sentiments, he himself entertained much doubt and perplexity. As he wished for every thing connected with the question fully illustrated, he could not consent to the Speaker's not leaving the chair.

Mr. Fox. Mr. *Fox* expressed his astonishment at perceiving the strange and unwarrantable manner in which the question then before the House was treated, but most of all was his surprise excited when he heard a noble friend of his put it on the ground of the propriety of admitting the evidence then before them. He had been so much used to a particular sort of application in another place, that he trusted he should stand excused if he used a technical expression. Whatever, therefore, might be the opinion of evidence elsewhere, in that House the distinction was tolerably well understood between the admissibility of evidence, and its sufficiency. That the Report of the Privy Council was admissible evidence no man could deny; but if it were not, the opportunity of objecting to it had long since gone by, because the fact was that the Report had been received by the House five weeks, and if objected against at all, it ought to have been objected against when it had been first presented. He never had heard that it was a rule that no regulation of commerce should be adopted without entering into evidence at the bar; but, he well knew, that there was a standing order, that no regulation of commerce should be entered into without its being first submitted to the consideration of a Committee; and the reason obviously was, that the Committee might enquire into the propriety of the proposed regulation, and report the result of their enquiries to the House. With regard to the abolition of the slave trade he felt no difficulty in saying, that without having seen one tittle of evidence he should have been for the abolition. He agreed perfectly with the right honourable gentleman over against him, that the gentlemen who opposed this did it in a singular mode, and he thought that the reason was because that they felt their cause to be so disgusting that they attempted to effect a purpose by a round-about way, or by a side wind, which they could not bring themselves to avow, and try to do directly and fairly. With regard to a regulation of the slave trade, a detestation of its existence must naturally lead him to remark that he knew not of such a thing as a regulation of robbery or a restriction of murder. There was no medium; the Legislature must either abolish the trade, or avow their own criminality. But the sort of conduct which had been adopted that day,
was

was obviously done with a view to put an end to the enquiry at the moment.

Mr. *Gascoyne* expressed himself ready to meet the right honourable gentleman on the question directly, and without wishing by a singular way to avoid entering into a discussion of the whole of its merits. He had lately been in the habit of conversing much with several merchants and bankers, and knew that they were all anxious to do away the aspersions which had been cast on them by the honourable gentleman (Mr. Wilberforce) in his opening speech. The honourable gentleman (he observed) when he had spoken of the abolition did not state how it should take place. That was, surely, material information for the House. With regard to the propositions (Mr. Gascoyne said) that there were several of them to which he could not agree; but if he could avoid dissenting from the ninth, tenth and eleventh, certain he was, in his own mind, that the twelfth was a deduction by no means the natural result of the preceding propositions. He desired to know whether the honourable gentleman meant that the evidence on the table should be the only evidence before the House?

Mr. *Wilberforce* answered that he must still contend that, at least, in his opinion, the evidence before the House was fully sufficient; but if any gentleman wished to have other evidence, he was free to call for it. He had before stated, that the evidence contained in the Report, added to such other information as he could obtain, had fully confirmed every impression made on his mind before in consequence of his enquiries into the subject. As to the merchants and bankers wishing to do away the aspersions, which it had been rather uncandidly said, he had thrown out against them, the best means of so laudable a purpose would be by producing proof, that what appeared calumnies were unfounded. As to the warmth of his noble friend over against him, who had spoken with so much heat, he seemed to have forgotten that he would have done more justice to his feelings if he had not suffered them to sleep for five weeks, during which time the Report had been upon the table, without one word said upon it by the honourable gentleman. That silence and the noble lord's sudden warmth, did (he must own) look like a wish to create delay.

Lord *Maitland* begged leave to assure the honourable gentleman who had so groundlessly thought proper to attribute his silence to a wish for delay, that if he had been in town for the last month, the honourable gentleman would have heard him say the same thing in that House, and the only motive for his not repeating it was delicacy to the honourable gentleman.

Mr. Macnamara. Mr. *Macnamara* observed that he could not avoid taking the liberty to remark that it redounded but little to the credit of the right honourable gentleman's candour, to call the measures pursued by some of the best and most worthy descriptions of subjects in the kingdom, under the sanction of a charter, and of various acts of Parliament, by the name of robbery. He trusted that the aspersions of fanaticism would be publicly refuted in the moment when the subject in question should be submitted to a public investigation.

Sir Wm. Younge. Sir *William Younge* having premised that he certainly should be for going into the Committee, unless he heard stronger arguments to make him waver in his opinion, added that the French customarily sent a certain number of land-men to Africa, mixed with a proportion of seamen, that the landmen were employed in managing and attending upon the slaves and the seamen, and were many of them left in Africa. He adverted to what he considered as the unsatisfactoriness of one of the examinations in the Report on the table, in which for want of one more question having been put to the witness, the whole of the examination was rendered fruitless.

Mr. Martin. Mr. *Martin* having expressed his astonishment that an honourable gentleman (Mr. Macnamara) should have applied the word fanaticism to those who were anxious to obtain an abolition of the slave trade, remarked that he was sorry to have lived to the time when motives of humanity, equity and justice should be attributed to fanaticism, just as if it were on a footing with methodism or any strange and wild enthusiasm so denominated.

Mr. Marsham. Mr. *Marsham* declared that he had hoped to find that during the course of the debate the planters and proprietors of estates in the West-India islands would have experienced a treatment infinitely less harsh than that which they had received. With regard to the evidence contained in the Report of the Privy Council being an *ex parte* evidence, it certainly was of such a nature. If he knew what *ex parte* evidence was, it was an evidence taken on one side of a question only, where there was no opportunity of cross examination afforded. That was the case with the Report on the table. Mr. *Marsham* added that he was sorry to see the two most considerable men in the House, before the matter had been properly considered, plunge so desperately into the business. What had been the consequence? One right honourable gentleman, (Mr. Pitt) who spoke at the beginning of the debate, had thought it necessary to apologize for the warmth into which he had been betrayed; and another right honourable gentleman (Mr. Fox) had called any attempt at regulation the regulation of robbery. He might (Mr. *Marsham* said) be a West-India planter, and supposed to act from interested motives.

tives. He would sit down quietly under that, conscious of the injustice of such an imputation, but he should think that he deserted his duty as a Member of Parliament if he did not state his sentiments on the subject. He entered not one single word into the merits of the question; but he thought that the honourable gentleman ought to produce witnesses at the bar to prove his facts; and if he did not, it behoved the West-India planters for their own sakes to produce evidence on their part to refute the assertions on the other side. Mr. Marsham said that he had deliberated much upon the subject, and had balanced the matter with much caution before he made up his mind. If he had felt that the cause of humanity would have been essentially served by the abolition of the slave trade, whether he was a West-India planter, or any other ways connected with the slave trade, he would most willingly have gone among the foremost in endeavouring to get it abolished; but that not appearing to his mind as likely, he would not be shy, or afraid of doing his duty, though he should in consequence expose himself to all the obloquy, which in such a moment of popular phrensy, any man who opposed the abolition ran the risque of encountering.

Mr. Fox observed that although he did not perceive without Mr. Fox. concern, that the honourable gentleman supposed him to have used unwarrantable expressions, he would not recall them because such, after an examination of no slight sort, was his opinion of the slave trade. Why the honourable gentleman, or any other gentleman who had an estate in the West Indies, should think that they applied to him he knew not. If it conveyed any reflection at all it was on the British Parliament, under whose sanction so indefensible a commerce had been encouraged.

Mr. Chancellor Pitt remarked that, singular as it might Mr. Chancellor Pitt seem, he could not, whilst he felt the strong injustice of the reproach which had been urged against him, avoid declaring that if he was sorry for any thing it was that he had made the least apology, because he was convinced so thoroughly of the injustice of the trade, that it could not be described in any terms which rendered an apology necessary. He had spoken with some warmth, because he spoke of what he thought was intended to delay the enquiry, whether the trade was unjust or not. As to their having plunged in desperately they wished only to plunge into an enquiry. The honourable gentleman (Mr. Marsham) had balanced, in his own mind, as to the side of the question which ought to be supported; and if he, a gentleman so much more intimately acquainted with one part of the subject, had balanced, surely he and his friends might be anxious for an enquiry. Mr. Pitt reminded gentlemen that if they were to have evidence at the bar on either

either side; they must have an order for their attendance from the House, and not from the Committee. In that case, the present motion for the Speaker's quitting the chair must be withdrawn, to which he doubted not he could answer for his honourable friend's consent; but he hoped that the witnesses would be ready the next day, or on a very early day, lest the intended discussion should undergo a needless and, in some respects, a detrimental procrastination.

Mr. *Marshall*. Mr. *Marshall* expressed himself fully prepared to acknowledge, that if no farther evidence should be adduced, his sentiments upon the subject would remain unaltered. Much had been said concerning the necessary regulations for shipping of negroes; and, upon this occasion, he could not avoid declaring his anxious wishes that, equally with respect to these, and to the felons transported to Botany Bay, no care might be wanting, should the necessity for such an attention appear so, to limit the number on board of each vessel, that accommodation and health might equally be consulted.

Mr. *Cruger*. Mr. *Cruger* remarked that, in his opinion, it appeared necessary that the House should form themselves into a Committee, and the Speaker, consequently, leave the chair, in order that an immediate opportunity might present itself for refuting what was, on a former day, considered as misrepresentations. As to the shew of benevolence, and the motives which actuated gentlemen, he hoped and wished to be among the foremost in the cause of humanity, and in opposition to every species of oppression; but he thought, at the same time, that if the House were determined, at all hazards, to carry these propositions, it would become the justice of the nation to repair such losses as might be sustained by the merchants and planters from the immediate and total abolition of the slave trade; otherwise, gentlemen might be justly considered as liberal, or even ostentatious, in their sacrifice to the cause of humanity, at the expence of others. As the honour would be national, whatever losses might arise from it, should not fall on a particular class of individuals, but be national in the same degree. In that case, they must think of raising a fund of at least sixty or seventy millions sterling. Mr. *Cruger* said, he had also heard of emancipating all the slaves in the West-India islands. Was that a part of the project? He was well persuaded, that whoever offered any thing in favour of the slave trade, or those engaged in it, had invincible prejudices to encounter. The bulk of the community had been taught to associate every thing cruel and oppressive with the idea of the slave trade; but, from his own knowledge, and the evidence which would be laid before the House, he could venture to pronounce the picture over charged. At any rate, however, as it was a trade

trade which had been so long sanctioned by the laws of this country, and the practice of every civilized nation, those of our fellow-subjects who had engaged in it, on the faith of public protection, would have a fair claim to public compensation for the injuries which they might suffer from a sudden annihilation of this necessary branch of commerce. The planters, indeed, might be reimbursed, but the merchants stood little chance of retribution, as was the case in a late melancholous settlement. All other professions might possibly be provided for; but the merchants, it seemed, were of a profession unworthy of either notice or justice; they could expect nothing for bonds, mortgages, or the various claims, together with the risks incident to profession; all this was a settled point. For his own part, he considered that it must be infinitely more prudent, instead of precipitately amputating the trade, to try to remedy the abuses which may have crept into the mode by which it has been prosecuted; to mitigate its severity, and gradually to abolish it; by making an experiment of the effects of the reform, upon a small scale, and not at once rashly risking a measure of such magnitude and importance. Every encouragement for this purpose might be given to the civilization of Africa, and the introduction of the arts and sciences amongst the inhabitants, which, by producing internal peace, and more unremitted industry, would have a greater effect in abolishing slavery, than any thing short of the universal consent of all nations to abandon the trade, which was "a consummation devoutly to be wished," but not to be expected. If this could be obtained, he should be most zealous in promoting the benevolent wishes of the honourable mover of that business; but as it was now circumstanced, he considered a sudden and total abolition ruinous in the extreme. It would be banishing a most lucrative trade from this country, without benefiting the objects of their compassion; as what they abhorred in their phrenzy, foreigners in their sober senses would eagerly catch at and enrich themselves with. On this account, he conceived it his duty, as the representative of a great commercial city, and in conformity with the petitions which he had the honour to deliver to that House, and which were signed by almost every principal merchant and trader in that city, to vote against the propositions as they were now offered; and, with deference to the principal supporters of them, he would take the liberty to say, "Better not do the deed, than repent it done."

Lord *Penrhyn* rose to express his disapprobation of the evidence on which the honourable gentleman had founded his complaint. It appeared to him to be contradictory in itself, chiefly

Lord

Penrhyn.

chiefly founded on hear-say, and the greatest part of it absolutely false——

Lord Penrhyn was interrupted, and Sir John Sinclair spoke to order. The question being, that the Speaker leave the chair, Sir John conceived that the noble Lord was disorderly in going into the examination of the Report of the Privy Council.

Lord Maitland. Lord *Maitland* apprehended that the noble Lord was right. He could not conceive, upon the objection against the Speaker's leaving the chair, grounded on the incompetency of the evidence contained in the Report of the Privy Council, that it could not but be perfectly regular to go into argument upon the deficiencies of the Report.

Lord Penrhyn reserved what he intended to have said, to a future stage of the proceeding.

Lord Newhaven. Lord *Newhaven* did not condemn the whole propositions, but he condemned the majority; and especially the first; consequently, he wished to know, whether or not Counsel ought to be heard before, or in the Committee, against the first proposition? If Counsel were not permitted to be heard, gentlemen were taken by surprise.

The Speaker. The *Speaker* certainly understood, that after going into the Committee, any gentleman had a right to call for more evidence, or for Counsel at the bar.

Mr. Ald. Mr. Alderman *Sawbridge* conceived that the question was simply concerning the Speaker's leaving the chair, for the House to resolve itself into a Committee to consider of the petitions, and, if necessary, to hear counsel on any particular proposition.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that the honourable gentleman was perfectly correct. The motion was for the Speaker's leaving the chair, that the petitions might be examined; and, if it were found necessary to call Counsel, that a day should be appointed for that purpose.

Mr. Burke. Mr. *Burke* observed, that with regard to the question before the House, of not going into a Committee until evidence was heard, it was entirely preventing every means which the House had to obtain that evidence which might be thought farther necessary on the subject. Where could this evidence be given more properly than in the Committee? As to the question itself, he thought no farther evidence was necessary, than what had already been laid before the House, to convince them of the necessity of abolishing what he would be bold to say was a system of robbery. He cared not for any objection that any particular persons might make to this expression. The African trade was, in his opinion, an absolute robbery. It therefore could not be, a doubt with the House, whether it was proper to abolish it. It was the end
of

of all law to correct and entirely eradicate, if possible, every evil that existed in any part of the State. The only question before the House was, whether the evil could be cured entirely or only partially alleviated. He had not the least doubt in his own mind, but it could be totally eradicated, without any of those attendant inconveniences which existed in the minds of some gentlemen. He was, therefore, anxious that they should proceed to that stage of the business in which such inquiries could be made as would convince the Parliament and the country, that the African trade was a robbery that ought and could be abolished, consistent with every principle of public justice and humanity. As to the idea of the West-India merchants being reimbursed what they might lose by this abolition, it was totally against every principle of legislation. Government gave their encouragements to certain species of commerce, as long as they considered that they were necessary to their support, or while they were conducted on such principles of equity and humanity, as deserved their sanction. But when this commerce became an evil, a disgrace to the State, Parliament was certainly competent to withdraw its countenance of what they had before authorized and protected. And those who engaged in this commerce, adopted it with all the conveniences of the sanction and encouragement it received from Government; it was, therefore, but just they should be prepared to abide by the losses attendant on that sanction and encouragement being found necessary to be withdrawn. It was consequently evident that there existed no just plea for compensation on the part of the planters. He next adverted to the impossibility of a country being ever civilized, that was thus in the habits of slavery, as the Africans were. While we continued to purchase them, they must ever remain in a state of savage barbarity; for it was impossible to civilize a slave; it was contrary to the system of human nature. There was no country whatever in this state that was ever known to be in a state of civilization. On the contrary, those who were in the custom of selling their bodies, must remain in a state of the most savage barbarity. There were but two parts of the world that were distinguished for this national degradation. This was Africa, and those countries bordering on the Black Sea. They were both equally barbarous, and equally destitute of those refinements which attend an enlightened policy. They had never been found capable of the blessing. No. They would always remain in this state of savage nature, while they remained liable to be purchased as the slaves of other nations. If the evils were such as had been represented before the Privy Council, he would give his hearty support to the motion. It remained, he thought, only for the House

to go into the Committee to consider the validity of these propositions. It was there the evidence should be referred to. And the Africans had that claim on our humanity which could not be resisted, whatever might have been advanced by an honourable gentleman (Mr. Cruger) in defence of the property of the planters.

Mr. Cruger. Mr. *Cruger* contended, in answer, that justice ought not to be sacrificed to humanity. It was the duty of the House to be just before they were humane. Justice was a positive duty, while humanity was only a personal right. We ought to be just, though we might be humane.

Mr. Molineux. Mr. *Molineux* said, that the abolition of the slave trade would destroy the West-India trade. What were they about to do? Did they mean to swallow all the property of the planters, in order to gratify a humane disposition towards the Africans? Before they were humane to these, he thought they should be tender of their own subjects, whom they had seduced to hazard their property in this trade. This bill was brought in, under the idea and impression of the planters exercising great cruelties towards the negroes. This was untrue. He would read a letter to convince the House of the contrary. He then read a letter which he had received from his agent in the West Indies, dated the 9th of June, 1771. The letter contained a complaint against the reverend Mr. Frazer, who was paid by Mr. Molineux fifty pounds per annum for attending to the welfare of his negroes. It stated an instance of a negro that was ill in the hot-house (hospital) of a sore throat, who had not had sufficient attendance from this Mr. Frazer: but that, however, he had, by the care of some other person, been perfectly cured. The agent who wrote this letter expressed an opinion, that the reverend Mr. Frazer was paid fifty pounds a year for doing nothing. Mr. Molineux having read this letter, farther observed, that this reverend gentleman was left by his ancestor a hoghead of sugar to be given him annually. This had been always complied with, and he thought that he had some claim to more attention to his interest for this douceur. Mr. Molineux next adverted to the idea of the French continuing this trade, if we passed the bill for its abolition. This was not agreeable to their character, nor was it what, he conceived, would prove the fact. To prove that this confidence was ill founded, he begged leave to read another letter, which had been received from a merchant in France. He then read it. It was to the following purport: That the merchant had received intelligence of a number of negroes being purchased on his account in Africa. That he had sent bills for the payment of his purchase, on the terms required by the English merchant, and that he would engage to take any quantity

quantity that could be procured for him on the same terms. He observed to the House, that he read this letter to shew how ready the French were to receive, with open arms, the trade we were going so unwisely and so unjustly to abandon. He begged leave to remind the right honourable gentleman of the conduct of the French with respect to America. Mons. de Vergennes pretended to the noble Lord (Lord North) who had then the honour of presiding in the place that was now so ably filled by the right honourable gentleman, that he detested the rebels who were then opposing the lawful measures of our Government. But what was the effect of this detestation? In a short time, a fleet of men of war, equipped with men and ammunition, were sent to support these abominable rebels. Such was French sympathy and assertion. He stated this, that the right honourable gentleman might not confide on their assurances. For we were then made the dupes of their policy, and we might be again, if we trusted to them in the present instance. He was convinced, from what he knew of them, that they only meant to lull us into this confidence for the purpose merely of more effectually abusing it. He knew them. He was very fond of being among them. He had been frequently in the country, but he never trusted them. Having mentioned these circumstances, he again adverted to the injustice of an abolition. He spoke not as a planter, but as a Member of Parliament. He was assured that it would tend to destroy the chief branch of our commerce. He had conversed with many planters on the subject, and they were all determined, should this act pass, to withdraw their money and property from the islands with all possible expedition. The result would therefore be, that they would transfer themselves, their trade, and their capitals to France, where he knew they would be received with open arms, and with all the encouragement which their most sanguine imaginations could suggest to them. He begged, therefore, that the House would consider maturely the acts which they were about to commit. If they saw the consequences to the country, as he did, he was convinced that they would abandon their intention. He next observed that it was the planters who were the greatest slaves. They hazarded all their property, and risked their life and health in the cultivation of these islands. Having obtained a property, they returned home; for, their country they called their home. Here their property centered. And would Parliament drive them from this mode of conduct, by which the country was so benefited in its commerce, and enriched in its property? No! forbid it wisdom, prudence, and justice! As to the principle of cruelty in the planters towards the negroes, the letter which he read was a proof of the contrary.

The necessity of the bill could not, therefore, be defended on this ground. But he would ask, on what supposition the planters were supposed to be those cruel persons? What was the conduct to authorize such a stigma of character? Did they, from their general behaviour and demeanor in society, give a sanction for such a dishonourable opinion? He referred to those who knew them, if their behaviour was more inhuman than that of men in general. He believed that they would be found to be as compassionate in their nature as the rest of their species. He deprecated, therefore, this unjust censure. Having thus argued against the injustice of the bill, the impolicy of trusting to the French, and the censure of cruelty in the planters, he begged pardon for having troubled the House so long. He said he was not in the habit of speaking, otherwise he might, perhaps, have expressed himself in less time, and with less trouble to the House. His studies had been differently employed. He hoped, therefore, that this would be received as an apology for any impropriety which he had committed, in having so long trespassed on the patience of the House.

Sir Charl. Middleton Sir *Charles Middleton* observed, that he should feel himself guilty of injustice, if he hesitated a single moment in his well grounded determination to rescue the character of the reverend Mr. Frazer from the attack upon it, for the purpose of making which he conceived that the honourable Member, who had just sat down, had read the letter which he produced. Sir Charles said that he had known Mr. Frazer nearly twenty years. He was not acquainted with a man of more talents, or more integrity. He lived in the same village that he did, and thence, he had repeated opportunity of witnessing his conduct. From such long experience, he was persuaded Mr. Frazer was incapable of an action, which was in the smallest degree disingenuous or disgraceful. Sir Charles called upon Mr. Molineux to declare, whether Mr. Frazer had been discharged from his employ on that gentleman's estate in the West Indies, in consequence of the fact stated in the letter which the honourable gentleman had just read?

Mr. Molineux Mr. *Molineux* answered, that he really had not the honour of knowing Mr. Frazer; but that he had been his minister and his surgeon, and had his fifty pounds a year, and his hoghead of sugar, and therefore it did not appear handsome if, in consideration of all this, the duties of his office were not fulfilled. He had not, however, read the letter as an intended charge against the reverend gentleman, but as a vindicatory proof of the humanity of the planters.

Sir Charl. Middleton Sir *Charles Middleton* observed that the honourable gentleman had not given any answer to his question. Was Mr. Frazer, or was he not, discharged in consequence of the letter which the honourable gentleman had read to the House?

Mr.

Mr. *Molynux* replied that he really could not engage to answer the honourable Baronet. He did not know when he was discharged; he left those matters to his attorney, and was glad to get a person of that profession, who lived near his estate, to act for him; and as to the letter, eighteen years had expired since he received it, a circumstance which including a considerable lapse of time, of course, disabled him from speaking so particularly as the honourable Baronet desired.

Sir *Charles Middleton* having premised that Mr. Frazer had given evidence before the Privy Council with the utmost reputation to himself, and might possibly be called to that bar to give his evidence again; added that if this should prove the case he would make a point of putting that question to him which the honourable gentleman appeared so desirous to evade answering.

Sir *William Dolben* rose and observed that if justice had not been done by the honourable Baronet who spoke last to Mr. Frazer, he intended to have risen for that purpose, as he well knew Mr. Frazer to be a man of probity and honour, and was persuaded that he would be able to clear himself from any imputation which might be cast upon him, to the satisfaction of that House, and in a manner consistent with his own reputation. With regard to the honourable gentleman's letter which he had produced it was rather inadmissible evidence, as it was only an *ex parte* evidence of his own Privy Council. As to what an honourable Member under the gallery had said of his readiness to stand forward in the cause of humanity, he believed that this honourable gentleman would be the first man to stand forth in the abolition of any cruel and oppressive trade, and if the House could make out that the slave trade was cruel and oppressive, he had no doubt but they should find the honourable gentleman voting for its abolition. They should also have the Members for London, for Liverpool, and for Bristol. He hoped that they should enjoy the good fortune to succeed, and if they did, he had no doubt but those honourable gentlemen would lose sight of all consideration of their own profits, and the interests which they felt in the continuance of the trade, and put them, as it were, in the back-ground of the picture.

Mr. *Martin* wished to be informed of one particular—it had been stated by an honourable gentleman, (Mr. Cruger) that it was reported, in Bristol, that the negroes, in Jamaica, were to be emancipated if this bill should pass. He wished to know if such were the intentional consequences of the abolition. He thought that no such determination could exist in the minds of any of the friends of this measure; and this would continue to be his opinion if he heard no particular assertion to contradict it; for it would prove impossible for these

these persons to be so happy in any other country, as they were, at present, in our settlements. Having been removed from their native soil, they could not be more comfortable than where they were now supported and protected.

Sir John
Sinclair.

Sir *John Sinclair* supposed that the honourable gentleman was anxious to go directly into a Committee, for the purpose of calling, among other witnesses, the Commissioners of the Excise and Customs to the bar, in order that they might be examined as to the amount of the produce of Excise and Customs arising from the slave trade, and the exports to Africa.

Mr.
Baring.

Mr. *Baring* hinted that in the opening speech of the honourable gentleman on the preceding Tuesday se'nnight, he had exaggerated the mortality of the negroes.

Mr. Wil-
berforce.

Mr. *Wilberforce* answered that what the honourable gentleman had said was a fit subject for discussion in the Committee, and therefore he would not then enter upon it, and he trusted that the honourable gentleman would do him the personal justice to believe that he had not idly, or upon light grounds, stated the amount of the mortality in question.

Mr. J.
Smith.

Mr. *J. Smith* said that those who objected to the bill had one of these three propositions to prove, in order to invalidate its propriety and necessity. First, that the situation and treatment of the negroes were not such as to authorize the abolition of the trade. Secondly, that the West-India trade could not be conducted without the existence of this species of commerce to Africa. And, thirdly, that its abolition would be destructive to our trade in these islands. One of these it was necessary to prove before any attention could be given to the opposition which (he saw) existed against the measure. If either of them could be ascertained, it would greatly tend to alter his sentiments on the subject, but, as far as he had considered it, he thought that the abolition would be more confirmed the more it was enquired into. With regard to the assertion of the two right honourable gentlemen (Mr. Fox and Mr. Burke) that the merchants trading to the West Indies ought not to be indemnified by government for what they might suffer by the abolition of this trade, he could not agree with the position entirely, although it was certainly a principle of sound policy that persons embarking in a commercial concern, under the immediate sanction of government, engaged with a sense of all its conveniences and inconveniences. It was, therefore, at their own pleasure and hazard, whatever property they risked in the enterprize. This he admitted was just with regard to commerce in general; but he could not admit it with respect to every species of commerce. It did not apply, in his opinion, to our trade with the West Indies; this was a kind of traffic that was to-
tally

tally different from commerce in general. Considerable sums of money were expended in the cultivation of lands that were several years before they made a return. It would be, therefore, exceedingly difficult for the planter, on the abolition of this trade, to withdraw his capital immediately, so as to employ it without loss of time in some other mode of dealing. If he could, then the principle laid down by those right honourable gentlemen might be as equally admitted with regard to this trade as to any other; but as the capital could not be withdrawn under a great length of time, he thought whatever injury the planter might then sustain from the abolition should be repaid by the government.

Colonel *Phipps* observed, that as his honourable friend had consented to withdraw his motion, there was no question before the House. Colonel Phipps.

Mr. Alderman *Watson*, rising again, a loud cry prevailed of *spoke! spoke!* The Alderman reminded the House that he had reserved to himself a right to state his sentiments when a fit opportunity offered. He took notice of Sir William Dolben's declaration, that he should be able to prove that the trade of Africa was cruel and oppressive, and that the West-India islands could be cultivated without negroes; a declaration to the possibility of establishing which he must beg leave to give his negative. Justice and policy (he added) were deeply interested in not abolishing the slave trade immediately. Mr. Ald. Watson.

Mr. Alderman *Sawbridge* said a few words again on the subject. Here the question was called, and the Speaker asked, as it had been proposed to withdraw the motion, whether it was the pleasure of the House that it should be withdrawn; it was agreed to in the affirmative. The question was accordingly withdrawn. Mr. Ald. Sawbridge.

Lord *Maitland* wished to know if it were understood that those gentlemen who intended to adduce evidence against the propositions before the House, would be permitted to state that on the second reading of the bill, which they might not be prepared to advance in the Committee. Lord Maitland.

Mr. *Pitt* thought that if in their bringing forward their evidence there was any remained after the first examination, which they could not adduce before the second reading, they would certainly be competent to adduce it. Mr. Pitt.

Lord *Maitland* stated in what particular he wished to be satisfied. It might so happen that in giving their evidence a reply might be made which would require another reply from them. He wished to know that if they were not then prepared to state that answer—whether they would be at liberty to offer it in the next stage of the business? Lord Maitland.

Mr.

Mr. Pitt. Mr. *Pitt* replied that for the sake of giving every opportunity of laying before the Committee all possible objections to the bill, or to the answer which might be made to the first evidence stated, he should conceive that gentlemen would be permitted to give in their further answers according to the manner mentioned by the noble Lord. But when he admitted this he did not think it perfectly consistent with the orders of such proceedings. When counsel and evidence was suffered to be brought against any measure before the House, it was generally understood, that all the objections were, at first, to be stated; and that it was in the power of any of the Members of the Committee to offer any point which might invalidate these objections, in support of their own propositions. But it did not, therefore, follow that further evidence was to be heard to controvert these replies; otherwise there could be no possible means of ascertaining to what a period such an examination might extend. But (as he had before stated) for the sake of giving every opportunity to those who considered their interests so immediately concerned in this measure, to bring every evidence which they possibly could against it, it seemed expedient that they should be permitted to offer whatever they had not an opportunity of carrying before the Committee on the first examination.

Mr. Fox. Mr. *Fox* said that the right honourable gentleman (Mr. Pitt) was, in his opinion, perfectly right, and he hoped, for the reasons now stated, that the evidence would be all adduced on the first examination. However, if this should be found impracticable, the gentlemen would certainly be suffered to adduce all at the second reading, which they were not prepared with in time for the first examination in the Committee.

The subject being thus settled,

Mr. Gascoyne. Mr. *Gascoyne*, jun. moved that the petitions might be read, in order that he might afterwards move that the petitioners should be permitted to be heard by their counsel at the bar of the House.

The petitions being read, he moved that the petitioners might have permission, if they chose, to be heard by themselves or their counsel at the bar of the House on the subject of the petitions.—Granted.

Mr. *Gascoyne*, jun. next moved that the House should, upon the ensuing Monday, resolve itself into a Committee to consider the said petitions.

This motion was read and passed.

Mr. Ald. Newnham Mr. Alderman *Newnham* having observed that from the noise which prevailed in the House, he did not hear the motion pass, expressed his wishes that it might be withdrawn, and to this was he the more earnestly impelled, because he had been informed by several of the petitioners that they could not

not be prepared with their evidence and counsel so early as Monday. Any other day he hoped, therefore, might be chosen.

The *Speaker* said that he was sorry that his endeavours to enforce the order of the House had not been so effectual as to have commanded sufficient silence for the motion which he read to have been heard. He hoped, therefore, as it had happened, that the motion would be withdrawn, and Tuesday appointed instead of Monday. And he trusted, likewise, that gentlemen would not consider the motion having thus passed as owing to any misconduct in him—but to the silence of the House not being properly observed. The Speaker.

Mr. *Wilberforce* did not approve of any farther delay, if it could be avoided—great loss of time had already occurred. He was, however, not against giving gentlemen any time that was thought necessary. But as several had declared that they had formed their opinions, and made up their minds on the subject, he thought they would be prepared to enter on the business as well on Monday as on Tuesday. Mr. Wilberforce.

Mr. Alderman *Newnham* remarked that if motions were not heard by the Members in the House from there being not sufficient silence observed, he must consider such motions, although passed, as of no effect; for they could not be said to have passed unless the Members heard what was proposed for their assent or dissent. He should, therefore, upon the morrow take an opportunity of moving for the discharge of the order, and naming that day which he should find, on again consulting his friends, (the petitioners) was most convenient to them for producing their evidence and counsel. Mr. Ald. Newnham

The *Speaker* answered that as the honourable gentleman had given notice to the House that he would take an opportunity of consulting the petitioners when it would be convenient to go into the Committee, and that he would upon the morrow move for the discharge of the order for Monday to a much more convenient day, he hoped that the business would remain settled in this manner without any further altercation. The Speaker.

Mr. *Gascoyne, jun.* thought that it would not be proper for him to move for the withdrawing of a motion which he had now been the cause of having passed. He had moved it without any convenient consultation with any of the parties. The honourable and worthy Alderman who had consulted with them, was, certainly, more competent than he was to have named the day. He hoped, therefore, the House would adopt the suggestion of the honourable gentleman, and consider that Tuesday, and not Monday, was the day for going into the Committee without making any other motion, which it was then proper in him to make. Mr. Gascoyne.

It being generally understood that Tuesday, and not Monday, was to be the day for the House resolving itself into a Committee on the said petitions, they immediately adjourned.

Monday, 25th May.

No debate so materially important as to require a particular detail occurred.

Tuesday, 26th May.

Ald. Newnham Mr. Alderman *Newnham* observed, that having for some days past conceived it to be extremely proper that on so important a business as an abolition of the slave trade a full attendance should take place; and that on this account a call of the House was highly necessary; he should therefore move for a call of the House on that day fortnight.

Mr. Sumner. Mr. *Sumner* dwelt upon the inconvenience which would naturally arise to Members from a call of the House being suffered to pass. He should, therefore, vote against the call, unless it was stated that gentlemen would positively go through the business this session, or that they would only hear evidence during the present session, and postpone their final decision on the subject to the next.

Ald. Newnham Mr. Alderman *Newnham* thought it was necessary that no part of the propositions should be discussed in a thin House, and said that it rested with the gentlemen who brought them forward to declare whether they meant to make any motion on them.

Mr. Wilberforce. Mr. *Wilberforce* answered that it was as much his wish as it could be the wish of the honourable gentleman who spoke before him, that the House should be well attended during the discussion of the business on which they were about to enter. He therefore moved the call of the House for that day three weeks.

Ald. Newnham Mr. Alderman *Newnham* remarked that all which he wanted was merely that the question should not be brought forward without a call of the House. If, however, it was the intention of gentlemen to postpone the business, he should not press his motion.

Lord Maitland. Lord *Maitland* declared that with regard to having the call as soon as possible, he, for one, should not consent to the call being discharged, because it was impossible to fix the precise time for debating on a subject previous to the discussion of which much information and argument were to be offered.

Mr. Sumner. Mr. *Sumner* thought it absurd that Members should be permitted to be absent during the examination of evidence. He therefore wished to postpone the business till the ensuing session.

Mr. *Drake* considered it as an immaterial point whether Members attended then, or at any other time, so as they finally did their duty. The business of the Budget was soon to come on, and such a magnitudinous subject as the present had better therefore be deferred. He did not think that the present discussion could come to a reconcileable termination this session, and hoped, therefore, that the Minister would stand forward to object to the motion for the call of the House.

Mr. *Huffey* observed that the first of this month had been stated as too late for the discussion of the business, and yet on the 28th it was thought proper to be taken into consideration. He was willing, however, that the business should be now discussed, when it turned on so serious a question as "thou shalt do no murder." Gentlemen had expressed a wish for the abolition of the slave trade, but from looking into the evidence before the House (Mr. Huffey said) he saw no reason to believe that such an abolition was necessary. They contended that it would not prove destructive to the commerce of the country. He thought that the high characters who had made such an assertion should state in detail the grounds of their opinion, and if that opinion stood on fair argument the public would go with them. As he believed that the abolition would prove destructive of the commerce of the country, it was a satisfaction which he considered himself as having a right to expect.

Mr.
Huffey.

Mr. Chancellor *Pitt* observed that when the time of the debate concerning the abolition of the slave trade did come on, it would be necessary for the discussion to take place before a well-attended House. If the subject had not been brought forward till rather late in the session it was not owing to any intentional delay, but to circumstances of peculiar importance which had unexpectedly occurred. With regard to his own opinion on the subject there were reasons on which it was founded, which, to his mind, appeared unanswerably just. Notwithstanding this circumstance, however, he should attend to the discussion as impartially as if he had felt no bias nor prepossession. As to the right honourable gentleman's having desired him to argue his opinion, could that right honourable gentleman believe such conduct parliamentary? He was prepared for stating the grounds of his opinion at a proper time, but he wished first to have all the materials which were necessary to elucidate the subject, and which were intended to be laid before the House.

Mr. Pitt.

Mr. *Macnamara* trusted that the House would not longer procrastinate the investigation of a subject of such magnitude and importance. Gentlemen should consider the injury suffered by the Colonists, even from the bare agitation of the

Mr. Mac-
namara.

question. What compensation could be made for the loss of the credit of this country, if they forebore coming to a decision on a matter of such consequence? He for one was for a call of the House, though on a motion the most methodistical, canting, and hypocritical.

Mr. Pitt. Mr. Chancellor *Pitt* answered that no man who wished to preserve a respect for his own character, ought to argue in that personal manner in any stage of the business. With regard to the idea applied to those who had brought forward the subject, it was what no person could really entertain, or with any degree of decency venture to utter; and it behoved gentlemen during the discussion of such a question to come into the House not with sensations of personal enmity but with a spirit of cool enquiry and candid examination.

Mr. Rolle. Mr. *Rolle* asked, whether it would not be better to have the evidence printed? If the House were to go into the evidence, the extent of which was great, during the present session, he was clear that it could not be all produced. He thought, therefore, they should confine themselves to the evidence this session, and let the main question go over to the next.

Ld. Advocate of Scotland. The *Lord Advocate of Scotland* observed that it would give him much concern if the bare agitation of the question should prove of injurious consequences to the West-Indian planters. Nothing considerable had been done during the present session, and it would be better to postpone the business to the next. He concluded by declaring that he should vote against the motion.

Mr. St. John. Mr. *St. John* conceived that in a question in which were involved the interests of the planters on the one hand, and the cause of humanity on the other, the House ought to come to a decision as soon as possible. Insinuations had been thrown out against a set of men which ought to be examined into without delay. The question, therefore, from its importance, rendered it necessary that there should be a call of the House.

Mr. Martin. Mr. *Martin* reprobated the idea of gentlemen feeling it inconvenient to attend the call of the House. He did not think it decent for Members of Parliament to hurry from business to their country seats like so many school-boys. An honourable gentleman had asked, why the business was to be speedily brought forward? The reason was because it involved in it the happiness of thousands.

Sir R. Hill. Sir *R. Hill* earnestly hoped that while the House was debating on the slave trade, they would not sink to the condition of slaves themselves. They had been sitting with patience on the subject for a long time, and if they were to continue sitting

sitting all the summer, the heat, it might be feared, would literally cause a dissolution of Parliament.

Mr. *Wilberforce* observed, that all which had been stated Mr. Wil-
on the one hand relative to private convenience, and on the berforce.
other to our duty to the colonists, made for his argument ;
because private convenience ought to give way to public du-
ty, and their duty taught them to make an early decision.
He could not help being surprised, that an honourable and
learned gentleman, who before seemed to be inclined to his
side of the question, should wish, on the present occasion, so
much to contribute to private convenience. He, for his
part, would declare, that private convenience ought to give
place to public duty. He was no less astonished, that the
honourable and learned gentleman should contend that little
had been done in the course of the present session. Great
and important questions had surely been agitated in the
course of the present session. As the question rested on
the grounds of humanity and religion, it might have been
excuseable, Mr. Wilberforce added, that he had not gone
into minute particulars, but left gentlemen to judge from
those grounds. He did not, therefore, think himself well
used, when he was called on to detail the reasons for his
opinion ; especially as those who had asserted that the abo-
lition would ruin the commerce of this country, had not
gone into particulars to state how that ruin would be pro-
duced. Assertions were made that no business on the sub-
ject had been done ; but, had they not proceeded a great way
on the subject, and had they not obtained the Report which
was then on the table ? He did not think, when he brought
forward the motion, that he should lose the esteem of per-
sons whose good opinion he wished to possess ; but feeling
what he had done to be a point of duty, he should not suffer
such sentiments to have place a moment in his mind ; but
would proceed, expecting to meet much obloquy and personal
sarcasm, which he should treat with all possible calmness and
forbearance.

Lord *Pembroke* observed, that the most efficacious method Lord
of answering the honourable gentleman's speech, would be to Pembroke.
examine the evidence. He trusted, when evidence was called
to the bar, that the honourable gentleman's sentiments
would not prove so well founded as he appeared to think
them. Before gentlemen came to a division on what con-
cerned the welfare of the commerce of the country, they
ought to have a full House ; and it would also be necessary
that those concerned in the slave trade should have an op-
portunity of wiping off the obloquy which was intended to
criminate individuals, and to prejudice the minds of the coun-
try,

try, before the House came to a fair trial. He should, therefore, move for the call.

Sir Wm. Dolben. Sir *William Dolben* declared, that he had not heard of an individual being criminated, but only of the general system of the abolition of the slave trade being attacked.

Mr. Gascoyne. Mr. *Gascoyne* observed, that he could not coincide with the honourable gentleman opposite to him (Mr. Wilberforce) who thought proper to contend that the House had lost no time during the present session. He, for his part, thought that they had lost a great deal of time. The honourable gentleman rose a few days before the Easter holidays, to lament that they were coming, and that they must postpone it till afterwards. With regard to what had been urged respecting private convenience, he must say, that if they were to be driven to the general question, it ought to be in a full House. Mr. *Gascoyne* begged leave to ask the honourable gentleman a question which he had not yet answered, and that was, what was the mode of the intended abolition? He thought that there would be a difference on that subject; but surely, if it was a manly plan, the honourable gentleman would give every information.

Mr. Minchin. Mr. *Minchin* observed, that by a call of the House, persons would be brought to attend the discussion of the business, who had not as yet received sufficient information on the subject. He thought there were gentlemen enough in town to consider the matter. He should, therefore, vote against the call.

Sir James Johnstone. Sir *James Johnstone* declared, that it was the duty of every Member to attend on so important an occasion, for the glory of religion and humanity. He should therefore give his vote for the motion.

Mr. Cruger. Mr. *Cruger* recommended a call of the House, but saw no occasion for its being at so early a period, as the interference of the holidays would waste a fortnight, and it would be at least a month after that before he could get through the evidence which was necessary to be examined on so momentous a question. He understood that a full House was desired only when they came to determine on the great question of the twelve propositions. Then he was sure that every Member would consider it his incumbent duty to attend, but until then, he thought compulsion hard upon those who had either a wish to be in the country, or business to detain them there.

Sir Wm. Younge. Sir *William Younge* declared that he should vote for a call of the House.

Motion was made, "That this House be called over on Tuesday the 9th day of June next;" when the House divided; Ayes, 158; Noes, 28.

The House adjourned.

Wednesday, 27th May.

The House having resolved itself in a Committee of Supply, Mr. Gilbert in the chair,

Mr. Steele, in the absence of the Secretary at War, moved the resolution, "That a sum, not exceeding a specific amount, be granted as a supply to His Majesty, to enable His Majesty to defray the expences of the extraordinaries of the army of the past year."

Mr. *Hussey* previously declaring that he did not object lightly or capriciously to the vote proposed, reminded the Committee of the Report made from a Committee, of which a right honourable gentleman then present (the Speaker) had been Chairman, in which it was stated, that the peace establishment of the army might be expected to come to its level fully by the year 1790. According to that prediction, the House might reasonably have imagined, that the present expence of the army would have borne some proportion at least to what they were taught by the Report to which he had alluded, to expect would be their amount at the end of the year 1790. That amount was three millions nine hundred thousand pounds, whereas the expence of the army for the present year amounted to four millions five hundred thousand pounds. Mr. *Hussey* said, that if they were called on to vote so much for the service of the current year, in a time of profound peace, though he did not mean to take the sense of the Committee upon it, he could not consent to it, unless some very good reason were assigned for it. Besides, when he adverted to another circumstance, his objection was strengthened. They began the year a million worse than at the commencement of the last. Five hundred eighty-five thousand pounds then remained to be taken for the public service as a surplus of the sinking fund. The case was different now. There were wanting various sums, amounting to four hundred thousand pounds, besides which, there had been used three hundred thousand pounds of an old debt of the East-India Company, which, with other sums, amounted nearly to the million which he had mentioned. Mr. *Hussey* spoke of the burden imposed on gentlemen of a million a year, which they cheerfully bore, for the benefit of themselves and their posterity, as it was applied to that very desirable purpose, the diminution of the national debt. He concluded, with expressing a hope, that his objection would not be deemed troublesome or impertinent, his only wish being to do his duty, and if he was wrong, he was persuaded that he should be better informed and set right.

Mr.
Hussey.

Mr.

Mr. Steele Mr. *Steele* having premised that there was no gentleman whose observations he was inclined to treat with more respect than those suggested from time to time by the honourable Member, because he was persuaded that they originated in a perfectly good intention, added, that the extraordinaries of the army certainly did exceed what might be expected to have been the utmost amount of a peace establishment; but if the honourable gentleman would look to the extraordinaries as stated in the accounts laid on the table, he would see, that the increase was occasioned by very particular services, and that the general articles that commonly constituted the extraordinaries of the army were rather reduced than enlarged. Mr. *Steele* pointed out the particulars which were in fact the cause of the increased amount, and these he stated to be the demands for larger sums than usual made by the Governors of the West-India islands, who, in consequence of the preparations necessarily made for the defence of the islands in 1787, when there was a probability of war, had unavoidably incurred a greater expence than usual, and their bills, which had been drawn upon the Treasury on that account, had been passed and paid. One article in particular, Mr. *Steele* stated to be sixteen thousand pounds drawn for by the Governor of the island of Jamaica, fourteen thousand of which was occasioned by the evacuation of the Musquito Shore, in conformity to the treaty of peace. That was an expence, which would not occur again, and there were others of the same nature, so that, in fact, there was every reason to expect, that at the end of the year 1790, or rather 1791, if the peace continued, the amount of the army extraordinaries would be brought within the compass stated in the Report alluded to by the honourable gentleman.

When the question on the supply to defray the expence of the Botany Bay establishment was put,

Mr. Hufsey. Mr. *Hufsey* said, the House ought, before the sum was voted, to hear from Government, how far the Botany Bay scheme appeared likely to answer their expectation, and to prove beneficial to the public.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that when the honourable gentleman considered the extreme distance of Botany Bay from this country, and the very recent establishment there, he could not expect that Government should be able to speak accurately, or with any great degree of certainty, upon the subject; but, from all the accounts that had been received home, there was every reason to suppose, that it would be beneficial to the public, and fully answer the expectations of Government.

The resolutions were all voted, and the report ordered to be made on the morrow.

The

The order of the day for the House to resolve itself into a Committee, to take into their consideration the several petitions that had been presented for and against the abolition of the slave trade, having been read,

Lord *Penrhyn* alluded to a paper before the Select Committee of the Privy Council, which he understood would throw much information on the subject; and as it was the general wish to obtain every intelligence which could elucidate it, he conceived that the House ought to have the paper which he had mentioned before them. Lord Penrhyn.

Mr. Chancellor *Pitt* declared, that he had no recollection that there existed any such paper. Mr. Pitt.

Sir *John Sinclair* reminded the House, that he had already stated his idea of the propriety of examining the Commissioners of Excise and Customs on the subject of the produce of customs and excise, in consequence of the African slave trade, and the imports and exports to the West-India islands. In the discussion of the Irish propositions, it had been thought right to examine the Commissioners, and the measure there adopted had been that of stating a general question to them, and allowing them time to answer it. He should propose to follow the precedent in the present instance; and therefore, with the leave of the House, he would move that the Commissioners of Customs and Excise be called to the bar the next day, and then he would submit a question similar to that put to the same Commissioners in the case of the Irish propositions; and the approaching holidays would afford the Commissioners time to prepare their answer against the next meeting of the House. Sir John Sinclair.

Mr. Chancellor *Pitt* said, that he should think the proposal right, if the honourable Baronet could state that the examining of the Commissioners would serve to give the House any necessary information on the subject; but, at any rate, he should hope, that the honourable Baronet would not attempt to interrupt the course of proceeding that they were in. They had consented to hear the petitioners by their counsel, and to receive the evidence they had to offer. Surely, in the midst of that proceeding, to fly to other matter, would be extremely irregular and extremely improper. For his part, he had no difficulty in saying, that he thought the examination of the Commissioners of the Customs and Excise would not answer any one purpose whatsoever. With regard to the Irish propositions, that case by no means, in his opinion, resembled the present. There, the Commissioners were called on to give information in points which led to matters of detail, and minute consideration. As to any calculations which might be expected to be obtained with regard to the general produce of the revenue from the African slave trade, Mr. Pitt.

the trade with the West Indies, &c. from the examination of the Commissioners, the House were in possession of those already; and if any others should hereafter appear to be necessary, they might, at any time, be gotten at by single motions. But, the two questions were exceedingly distinct and different. The entire question on which the Irish propositions turned was founded in considerations of fact and of detail, whereas the abolition of the slave trade was wholly a question of policy and of reasoning.

Mr. Drake Mr. *Drake* remarked that, upon a former and recent occasion, he had consented to a call of the House, from the conception that it would have insured a tolerably full attendance; but the sorry appearance of the House then, (he meant no offence to the Members present) militated strongly against the opinion of a hundred and fifty-eight respectable Members who had voted for the call. The question, as a question of great importance, he should presume, ought to be decided in a full House; the House was then thin, and when dinner-time approached, and gentlemen's appetites increased, and also when the habits of gratifying themselves with their usual indulgence, prompted them to quit their seats, the House would be still thinner. Something, therefore, ought to be agreed on, either that thin as the House then was, they should be deemed a sufficient number to hear the counsel, and receive the evidence; and that even, if they should not be so many as were necessary to make a House, they should go on with the sort of business they were engaged in. Mr. Drake said, as the self-appointed representative of that little House, he presumed to throw out the idea, that the Public might not run away with the belief that the Senate of England decided any great question as a Senate, when so few Members were present.

Lord Penrhyn. Lord *Penrhyn* protested against coming into any such proposition, and begged not to be included in the number of those who should agree to proceed, without a House, upon the investigation of a commercial point of such magnitude and importance.

Mr. Marsham. Mr. *Marsham* remarked, that if it were seriously intended to deliberate upon so weighty a business, in the presence of only a very small number of Members, he thought that it would be improperly decided, since it was a question, the determination of which was essential to the welfare and safety of the country. Mr. Marsham reminded the House of the advanced period of the session; that it was the 27th of May, and that every day the attendance would be less numerous. He wanted, therefore, to know, if gentlemen considered it fair to discuss so important a subject, while the House consisted

sisted only of about sixty, perhaps not more than enough to constitute a House.

Mr. Fox observed, that it certainly must be wished that there were fuller attendances; but, if gentlemen thought that reading of the evidence, after it was printed, was sufficient to enable them to form a judgement upon the question, though, in so thinking, he believed they were often mistaken, who could help it? When subjects were referred to Committees of the whole House, and they were to hear Counsel, and receive evidence, it rarely happened, that there were fuller attendances than at present. Many points of infinite importance had been thus discussed. He instanced the Irish propositions, the Committee that sat upon which had rarely exceeded the number of the Members then present. For his part, perhaps, he should not have been sorry, if the Irish propositions had not passed at all; but he mentioned the fact, to prove his general argument, that if thin Houses were to preclude the discussion of important businesses, not one important business would have come to a conclusion. The Committees on the charges exhibited against Mr. Hastings had also been thinly attended; so thinly, that, Mr. Fox said, he had frequently been present when the House was counted out. Mr. Fox.

Mr. Chancellor Pitt observed, that with respect to what the honourable gentleman who spoke last but one had said, relative to thin Houses, he could only declare, that he wished for a full attendance during the whole of the discussion, but the gentlemen who expressed themselves apprehensive of the effects of the abolition of the slave trade, should recollect, that, as they formed a considerable part of the House, it was not fair for only two or three persons of their description to come down and say the business could not go on for want of a fuller attendance. There was also another description of Members, who were still more numerous, and who thought the subject highly important, but who wanted to hear all the information that could be obtained, before they formed an opinion either one way or another. He hoped the gentlemen who felt in this manner would attend. It never had, he believed, in the history of Parliament, been usual to expect, that a Committee of the whole House, who heard Counsel and received evidence, should be as fully attended as the House itself, on the day of its ultimate decision. There was then a House, according to the established rule and order, and he knew no right that any Member had to object to go on with a business, while the House was complete. There were at all times, Members enow present to watch over the proceedings of the Committee, and if a nice question was likely to be put, that promised to create much difference of Mr. Pitt.

opinion, such a question, from its own attraction, generally caused a full attendance. If there was not then a sufficient House for the decision of the great question, there was at least a House sufficient for the purpose of bringing forward the means to enable a fuller House to decide.

Lord Maitland. Lord *Maitland* said, that conscious that the discussion of the subject would prove of service, he rejoiced that the conversation had taken place. He agreed with the Chancellor of the Exchequer, that, on the day of decision, the House would be fuller; he had no doubt it would; and he hoped and trusted, that the number of those who concurred with him in reprobating the right honourable gentleman's motion, would be large indeed. As humanity was the avowed motive of those who supported the motion, he should have expected that they would have shewn an adequate proportion of enthusiasm in the cause in which they had embarked, and attended numerously.

Mr. Drake. Mr. *Drake* observed, that as he had begun the conversation, he was sorry to have been the cause of the hostility manifested; he did not mean hostility in the violent sense of the word, but rather that difference of opinion and opposition, which had disturbed their tranquillity. Mr. Drake explained, that he had risen at first merely to propose something, that should mark to any visitor, who might happen to be present at the little sociable meeting which the House then resembled, the difference between a Committee, engaged in the receipt of evidence, and the House debating as a Senate.

The question was here put "That the Speaker leave the chair," which being agreed to, Sir William Dolben took his seat at the table.

The Counsel were ordered to the bar, and evidences were examined.

At length, Mr. Martin rose, and moved, "That progress be reported."

The House was then resumed, progress reported, and the Committee ordered to sit again upon the morrow.

The House adjourned.

Th. r/day, 28th May.

The bill to explain and amend the act of the 6th of George the Third, for encouraging the growth of roots, trees, and shrubs, was read a second time.

Mr. Mainwaring moved, "That the bill be committed."

Mr. Windham. Mr. *Windham* observed, that he should still oppose the progress of the bill, because he remained thoroughly convinced of the impropriety of unnecessarily multiplying or extending the penal laws. Every penal law was itself an evil,

evil, and justifiable only inasmuch as it went to prevent a greater evil. The aid of the law ought never to be called in till men had done as much as they could for their own protection. The gardeners, so far from having done this, left their property often without the protection of a common fence, and called on the Legislature to do that for them which they neglected to do for themselves. They wished to reduce things to the state they were in, in the days of Alfred, or the golden age;

——— *Cum furem nemo timeret*
Caulibus aut. pennis, sed aperto viveret horto.

The *Attorney General* remarked, that he also should be concerned to perceive an accumulated institution of penalties disproportionate to offences, being convinced that such penalties always defeated their own end. But, in proportion as property was valuable, and, from its nature, exposed to depredation, it must be protected by the law. This was precisely the situation of nursery grounds, which contained very valuable property, and were necessarily much exposed. Even a brick wall, which could not be built but at a great expence, was a very inadequate protection. As the law stood, a man might rob a garden, or a nursery-ground, of property to a great amount, by day, and follow the proprietor before a Justice, where the penalty for the first offence was only forty shillings. In this case, the punishment was an invitation to the crime, and therefore he hoped the bill would be suffered to go to a Committee, who might settle a degree of punishment adequate to the offence.

Mr. *Mainwaring* meant to propose, if the bill should go to a Committee, to put the offence on the same footing with swindling, which might, at the discretion of the Court, be punished with imprisonment or transportation.

Mr. *Burke* considering the whole system of penal laws in this country as radically defective, declared, that as he always had opposed, so should he still continue to resist their intended multiplication. Instead of applying a remedy to the source of the evil, whenever inconvenience was felt in any particular instance, recourse was had to the Legislature for a new law for that particular case. This was like sticking a bush into a gap in a hedge, which instead of repairing the breach, often ruined the whole fence. Against all offences which admitted of it, a civil was preferable to a criminal remedy, because the damage done could be appreciated by a jury, and not only punishment inflicted on the offender, but reparation made to the injured person. He observed that the insufficiency of the law was frequently not so much owing to the law itself, as to the remissness of those who were

the Constitution itself. One objection perhaps might be urged against the gentleman he was recommending, and that was his youth; but although he might possibly be as far advanced in years as some, and not quite so far advanced as others who had filled the chair, yet when the arduous and severe duties of the office were considered, his youth might rather be deemed an advantage than otherwise, as it would enable him to go through the fatigues of business with greater ease, and to fulfill the duties of the chair with better alacrity and spirit. It was, however, brilliantly conspicuous that his judgement had reached its full maturity; and of his talents that House had witnessed proof sufficient to convince them that he did not go too far when he assured them that those who had the happiness of the honourable gentleman's intimacy and acquaintance, knew him to possess abilities of a very superior sort, and such as every way qualified him for the vacant office; he would therefore conclude with moving, "That
 " Henry Addington, Esquire, be desired to take the chair."

Mr. *Grosvenor* seconding the motion, remarked that the panegyric pronounced upon the talents and the virtues of his honourable friend, by the noble Marquis, was so well founded and so thoroughly deserved, that he, for his own part, felt the utmost pleasure in adding his tribute of applause, and declaring that such praises were perfectly coincident with his opinion.

Mr. *Welbore Ellis*. Mr. *Welbore Ellis* rising next, observed, that still retaining without the least abatement the same idea as before of a great, an active, and an amiable character, whom, upon a former occasion, similar to the present, he had taken the liberty to recommend to the House as a fit person, in all respects, to be elevated to the vacant presidency over their Assembly, he should now beg leave to repeat his recommendation of the worthy Baronet, (Sir Gilbert Elliot) his honourable friend, to the vacant chair. Having so recently had occasion to speak of his honourable friend's distinguished virtues and abilities, it would be superfluous for him to enlarge upon them farther. With regard to the honourable gentleman, whose name had been proposed by the noble Marquis, he verily believed that he deserved the commendations that had been bestowed upon him, since the little he had seen of him in that House had been much to his credit. Every thing which that honourable gentleman knew would certainly be requisite to enable him to discharge the duties of the chair, but, at the same time, the honourable gentleman must not be offended if he mentioned one disqualification which was obvious, and it was the want of that, which neither learning, nor ability, nor eloquence, but which only time could give—he meant experience; without which, with all his learning, and all his talents,

talents, it would be impossible for any gentleman, however distinguished for either, to ride on those whirlwinds, and direct those storms which sometimes distracted that House; and to steer safely in such turbulent seasons, required that most consummate skill which could be attained only by experience. Let the honourable gentleman wait awhile till his talents, which were, undoubtedly, respectable, should be matured by time, and till he should have acquired that experience which he had described. It was to this experience that they all looked up, and to this source only that they could refer for knowledge how the House ought to act in moments of difficulty and embarrassments. Another opportunity might present itself hereafter, when the honourable gentleman might be chosen to fill the Chair, and when he could take it with honour and dignity, by having his talents and his judgement matured by experience. He thought the House better adapted to the purpose of so maturing the honourable gentleman's talents than the Chair. At the same time he would recommend his honourable friend to the Chair, because his experience and ability had arrived to their utmost height. Let the honourable gentleman instruct himself by his honourable friend's conduct in the discharge of the duties of his office, and grow up under his shade. They might then expect him to prove such a plant as should in due season be a fit successor whenever the House should by any misfortune be deprived of the assistance of his honourable friend's abilities. In conclusion, Mr. Ellis moved, that "Sir Gilbert Elliot, Baronet, be desired to take the Chair."

Mr. F. *Montagu* observed that he entertained much respect for the honourable gentleman's character who had been first named, but he thought that he might take the liberty, without any impropriety, to declare that he had not enjoyed the honour of sitting long enough in that House with the honourable gentleman to know the extent of his abilities; but from what he had seen of him it was to his credit, and he had heard of nothing to his discredit. Mr. Hatsell and he, however, had witnessed the splendid abilities and the powerful eloquence of the late Sir Gilbert Elliot, and the House well knew that those talents had proved hereditary. Mr. Montagu said he must beg pardon for differing from the noble Marquis who made the motion, in regard to what he had said, when mentioning that the late Speaker had been called to a superior office. There was no office superior to that of filling the Chair, nor any station, however high, in which the greatest and most splendid talents could be exercised with more dignity to the possessor, or more to the advantage of the State, than in the discharge of the duties of that situation. This was constitutional language, and must ever

be holden in that House at least; which made him, as an old Member of Parliament, think it his duty to take notice of what had fallen from the noble Marquis. With regard to his honourable friend, besides that great constitutional knowledge which he was known to possess, he thought that there were two qualities which peculiarly qualified him to fill the vacant Chair, and those were that mildness of disposition and gentleness of manners, united with the greatest firmness, and the most steady perseverance, which were predominant features in his character. These qualities were pre-eminently useful in the station in question; for, it was well observed by his honourable friend, "to ride upon those whirlwinds and "to direct those storms which sometimes distracted the "House" required every degree of temper, mixed with every degree of firmness. Mr. Montagu concluded by seconding the motion of Mr. Ellis.

Mr. Addington.

Mr. *Addington* confessed himself agitated by feelings which almost incapacitated him from expressing the degree of gratitude that impressed his mind, on having heard the noble Marquis, and the honourable gentleman who had done him the honour to second the motion, impute to him qualities which they had been pleased to give him, but which he did not possess. All he could pretend to lay claim to, was an ardent attachment to the rights and privileges of Parliament, and a sincere love for the Constitution. He looked on the forms of Parliament as the ancient and respectable bulwarks of that Constitution, and considered the rights of Parliament as the rights of the people of Great Britain. But when he recollected the numerous and important duties of the Chair, he could not but view the office as a burthen which his abilities were unable to sustain, and he was forced to confess his insufficiency. He looked, therefore, round the House, and was ready to give his suffrage to him who was qualified to do justice to the situation. He had always cast his eyes on the honourable Baronet as a gentleman possessed of the most eminent talents, and one whose many virtues entitled him to the most profound respect and esteem. Mr. Addington concluded with repeating his expressions of gratitude for the handsome manner in which he had been treated by the several gentlemen, and declared, that, let the event of that day be what it might, the impressions which were so pleasingly and so firmly fixed upon his mind should constantly remain indelible.

Sir Gilbert Elliot.

Sir *Gilbert Elliot* having remarked that he entertained the most respectful sentiments of gratitude, and the highest esteem for the honourable gentlemen who had done him the favour to name him that day, avowed that he felt no small gratification in consequence of having heard such opinions from the

honourable

honourable gentlemen, as might inspire any man with a degree of self-satisfaction and pride; nor was that gratification at all diminished by the consciousness of not deserving what they had been so good as to say in his commendation; because it was a flattering proof of that which he valued most highly in men, their kindness and partiality. He could not, therefore, but consider it as a regular honour to have been twice named to the chair by the same distinguished characters, and with having, on the late occasion, seen their choice countenanced by many of the most respectable men in that House or in the kingdom. It was enough to reward in the amplest manner past merit, if he had any to claim, and to stimulate him to deserve the continuance of their good opinion for the future. He was one of those who thought that the happiness and prosperity of the country depended on maintaining the importance of that House, and holding it high in the opinion and the feelings of the Public. Whoever wished, like him, to make that opinion the radical principle of his conduct, would consider well in what manner the House should fill the chair before he gave his vote that day. He would remind the House, that although the Chair was a situation which could give dignity and splendor to any man, of ever so distinguished talents, yet the dignity and splendor of the office would be diminished, if the House placed those in it, who brought nothing of their own to support either. And he had not the least difficulty in making this declaration, when from that authority which he might best rely on, he could assert, that he did not possess the qualifications to which he had alluded. He hoped, therefore, that the House would rely on their maturer and more sound judgement, rather than the kind partiality of his friends. He reflected, however, with satisfaction, that the House held many gentlemen who were capable of adding splendor and dignity to the Chair, and he had no doubt but the election of that day would prove the fact. After the liberal manner in which the honourable gentleman on the other side the House had been pleased to speak of him, it was incumbent on him to assure the honourable gentleman that he entertained the highest respect for his character and the best opinion of his abilities, and he should therefore give his hearty and decided vote in his favour.

Mr. Fox observed, that it was scarcely possible for any liberal mind to avoid feeling concern, when called upon to give a judgement to be governed by considerations altogether personal: to him it was peculiarly painful; but, on the present occasion, it would be less difficult for him, from the very just, the very fair, and the very handsome manner in which the two gentlemen had been pleased to speak of each other.

He had only had little opportunity of judging for himself of the abilities of the honourable gentleman who had first been named that day ; but all which he heard from others had been much to his advantage. The noble Marquis, in his opinion, had introduced his motion with a speech not the most happily adapted to the occasion ; he knew not whether the noble Marquis had said that the late Speaker was placed in a state in which he was better suited, as a matter of judgment, and from an idea that it would be proper for his purpose to lower the situation to which he meant to recommend the honourable gentleman, in order to induce the House to support his recommendation. Mr. Fox added, that he must, on the present occasion, give his reasons why he did not think that the House would act prudently, if they should prefer the honourable gentleman over the way to Sir Gilbert Elliot. On such occasions as the present, the question necessarily became a question of comparison ; as such, in what he should say, he meant always to consider it, and not as a question of positive approbation. Much had been said in favour of the honourable gentleman over the way, and he believed with truth. It was contended that he had considerable talents ; he believed that the honourable gentleman had, but all knew that the honourable Baronet had considerable abilities likewise. It had been said that the honourable gentleman had been bred to the law. They were not to be told that Sir Gilbert Elliot had been bred a lawyer ; in fact, they knew that the honourable Baronet had every advantage which the honourable gentleman possessed. His mildness of temper they well knew. What then was the question, but whether the House would trust to qualities which they knew, or whether they should rely on the opinion of others as to qualities which they did not know, whether they were possessed or not ? What confidence, or what portion of confidence, were to be placed in the opinion of the honourable gentleman's friends, were questions which he should beg leave to wave. Where there was an equally good opinion given of two gentlemen, the House might feel some difficulty ; but, in the present instance, they could feel none. The gentlemen over the way desired the House to rely on what they said in favour of the honourable gentleman ; they, on the contrary, who spoke in favour of Sir Gilbert Elliot, desired the House not to trust to what they said, but to act upon what the House itself knew ; the question therefore was, whether they should take good qualities by their knowledge of them, or from conjecture ? Perhaps, the nomination of that day might be made merely as a proof of power in some persons, and a wish to shew the confidence of the House in the gentlemen on the other side. If so, it was a call upon
the

the confidence of the House, which was by no means justifiable, and when confidence degenerated into such an arbitrary use of it, it became an abuse. Mr. Fox declared that he should consider himself as exceedingly unfortunate, were he to be considered as having said any thing which might be thought disrespectful or uncivil to the honourable gentleman. He had heard much in his praise, and he believed it to be true; he only observed, that Sir Gilbert Elliot was a gentleman, whose talents and qualifications were known to the House, and in that case they could speak from a well-grounded confidence; in the other, only from the most favourable suppositions.

Mr. Chancellor *Pitt* declared, that the grounds on which Mr. Pitt. he should give his vote were totally different from the grounds stated by the right honourable gentleman (Mr. Fox,) who had first assumed that they were to withhold their confidence from all the qualities which they did not know, on the one hand, but, on the other, to give it with a blind confidence to qualities which they did not know. Mr. Pitt declared that he meant to speak with respect of the honourable Baronet; but, in the several topics of encomium bestowed upon him, all of which, he believed, were deservedly bestowed, there were circumstances which, from his acquaintance with the honourable Baronet, upon private grounds, he did not know. He knew the talents and the character of his honourable friend, both from a personal acquaintance and a public acquaintance. He would not speak of his honourable friend, however, from the personal acquaintance he had experienced for a long time, though perhaps no gentleman had a more extensive personal acquaintance, nor had enjoyed a fuller opportunity of manifesting his abilities to a larger number of the Members of that House. He only desired the House to recollect the public testimony which they had borne to his honourable friend's parliamentary conduct. Not to the partiality or prejudice of friends, but to the memory and judgement of the House, did he appeal; to their recollection of the manner in which they had recently heard his honourable friend stand up an advocate for the constitutional rights of Parliament. With regard to the duty of the Chair, it was, undoubtedly, an important duty, and a situation of great splendor and dignity; but he did not collect a single word which had dropped from his noble friend in his speech introducing the motion then before the House, which had tended even to represent any state as a state of superior dignity to the office of Speaker of the House of Commons.

Mr. *Burke* declared, that he did not mean, by way of re- Mr. Burke taliation, to depreciate, in the smallest degree, the talents, or the character of the honourable gentleman over the way; and

and that nothing but having caught something of the fire and spirit of the right honourable gentleman could have induced him to rise. He did not envy that right honourable gentleman the pleasing task of endeavouring to abate somewhat of the merits of a person who had, he believed, never been the man to put his own merits forward, but had always shewn that he possessed, in an eminent degree, that modesty which was the constant companion of merit. Whatever faults he might have had, Mr. Burke said, he never had attempted to depreciate rising talents. On the contrary, if he ever had any merit, it was in hailing those superior talents whenever he had discovered them, and discover themselves, he verily believed they would, as often as young Members rose to speak in that House. The blossoming abilities of young Members always afforded him the highest satisfaction, because it struck him as a renovation of the old stock of public talents, and was a pleasing earnest of the preservation of the constitution. But experience could not be drawn from blossoming talents; it could only be looked for from matured manhood; the degree of skill necessary for the Chair was to be expected from acquired experience rather than from brilliant talents. The House certainly might, by an arbitrary authority, place any gentleman in the chair, but the opinion of mankind must give the appointment authority; for it was not the stamp that gave the guinea currency, but the opinion of the authority of that stamp; otherwise, if a guinea were stamped by all the Kings of Europe, the coin would not be current. Every country wishing to preserve its liberty, must preserve its maxims. There were maxims in all countries which were supplemental to the laws, and if any principle were necessary in a free country, it was that of adhering to its ancient and established maxims. Therefore it was, that wise republics had bound themselves down by laws, that certain offices should only be filled by certain men of a certain age, and these laws were never broken in upon, except when the country was on the verge of ruin. Mr. Burke alluded to the conduct of James I. who took the Duke of Buckingham, who had talents and some learning, and loaded him with every honour of the State. Such a conduct always leads to disorder and mischief. It would, he said, be unfortunate, if the maxims of this country should be changed, and such an appointment as to the Chair of that House be rashly given, merely at the will of the Minister, without regard to qualification. He compared the mode of appointment to, and the abdication of, the chair, to a successful person riding post through a town, and saying, as he went along, "Gentlemen, I am in haste, I thank you for your support, but I am going about material business."

"business."

“ *finess.* You have a succession house, a hot-bed for states-
 “ men; put another into the chair, and sitting there a little
 “ while, will qualify him for another office; here is another
 “ I recommend; though he has not been many years in the
 “ House, he is known to a few Members, who will answer
 “ for him.” He did not doubt, Mr. Burke added, that the
 honourable gentleman was known to many Members, but
 the honourable Baronet was known to the House, and had
 been known by them for years. They had seen him make
 one of the greatest efforts of the human mind. His conduct
 had been such, that malice could not touch him in any of its
 parts. His character was a long unbroken line, like that
 which served as a boundary for various rich and fertile pro-
 vinces in a geographical chart. The honourable Baronet
 was come to that line of life, when the activity and spirit of
 youth became mellowed, not impaired, by the experience of
 age. He possessed that sweetness of temper which did not
 subdue, but bent the mind to authority, because all men
 wished to act more from love than fear.

Mr. *Martin* observed, that the only honour he expected Mr. Martin.
 to arrive at in that House, was the honour of giving his
 vote, and however he might be attached to party, nothing
 of that kind should influence him on the present occasion.
 All he had heard that day, had been equal praise to both gen-
 tlemen; he should therefore give his vote to him who had
 the greatest experience.

Mr. *Reginal Pole Carew* said, that he had known his ho- Mr. R. P. Carew.
 nourable friend (Mr. Addington) from his earliest age, and
 therefore could assert, that he was every way qualified to act
 as the representative of that House, and the asserter of its
 rights, not only within those walls, but to maintain them
 with dignity and honour before the Throne of Majesty.
 Those who knew the honourable gentleman best, would most
 commend him. Rich in classic lore, and regularly bred to
 the law, he brought into that House a warm attachment to
 the constitution, and a conviction that, on the support of
 the rights and privileges of Parliament depended the exist-
 ence of the constitution. In respect to his youth, when he
 compared it with the youth of a person, whose name he ne-
 ver heard in that House but with a filial respect, he found
 the comparison in favour of the honourable gentleman: the
 person to whom he alluded was Mr. Onslow, who had been
 called to the chair at a much earlier period of his life. Mr.
Carew concluded with declaring, that he would restrain the
 ardor of his commendation, in compassion to the delicacy
 and feelings of the honourable gentleman beneath him.

At length the House divided; Ayes, 215; Noes, 142.

The House adjourned.

Tuesday,

Tuesday, 9th June.

The new Speaker having taken the chair,

Mr. Ald.
Newnham

Mr. Alderman *Newnham* moved the order of the day for the call of the House; which having been read, he first expressed his concern at the necessity which existed, in his opinion, for the call of the House to continue hanging over the heads of Members, as long as the business of the slave trade was before the House; and then added, that it was his intention, though he felt great pain in proposing what might prove very inconvenient to country gentlemen, to move the present order to be discharged, and the House to be called over that day week. His motive in doing this, was to secure a full attendance, should any resolution tending to abolish the African slave trade be brought forward.

Mr. Pitt.

Mr. Chancellor *Pitt* agreed entirely in the necessity of keeping alive the call of the House, as it might be particularly desirable to every person concerned on either side of the question, to have as full a House as possible on any decision. It was impossible to foresee whether any decision would be come to in the present session; it was desirable, however, that a decision should be come to, and he hoped that this would happen. He trusted that he should stand excused in supporting what might be inconvenient to many, upon the consideration of the importance of the object. The call might be fixed for that day week, or fortnight, and as the occasion might require, adjourned.

Mr. Grey.

Mr. *Grey* declared, that he should never scruple to sacrifice his private convenience to public duty, if there existed a probability of any decision being come to in the present session; of that, however, he could not see a shadow of hope; three days had been consumed in the examination of two witnesses, and the single point of how the slaves were procured on the coast of Africa were not yet ascertained; it was, therefore, when gentlemen would consider the great number of witnesses to be examined, and the many points they were to speak to, utterly impossible to form any hope of coming to a decision this session; and, for that reason, he objected to a call hanging over the House, as unnecessarily inconvenient to gentlemen, who had already undergone great fatigue, by the unusual length of the session.

Mr. Wil-
berforce.

Mr. *Wilberforce*, speaking in favour of the call, observed, that it was impossible to form an opinion, in the present stage of the business, whether any decision could, or could not, be come to, previously to the expiration of the session, as no one could foresee what turn the business might take.

Mr.

Mr. *Jekyll* opposed the call, because he considered it impossible and impracticable to come to any decision in the present session. Mr. Jekyll.

Colonel *Phipps* trusted that gentlemen, in the midst of their eager attention to their own private convenience, would not be unmindful of the injury which might be sustained by their delaying a decision on the business before them. Colonel Phipps.

Mr. Chancellor *Pitt* observed, that rather than not consult the convenience of gentlemen, he would consent to have the call postponed to that day fortnight. Mr. Pitt.

Mr. *Tierney* contended for the expediency of having the call remain in force. He had, on a former day, given notice of his intention to move a division of the business under two heads, and to propose a decision on that relative to the West-India planters; but, as he lately understood that those gentlemen were, for what reasons he could not conceive, averse to such a measure, he would not press it; if, however, during the discussion of the business, he should think that it would be right to separate and decide on any particular part, he should consider it his duty, as a Member of that House, to come forward with a motion for that purpose. Mr. Tierney.

Lord *Penrhyn* sincerely hoped that the business would proceed with all possible dispatch, and that the call of the House would be kept alive all through. The evidence must necessarily go into great length, as witnesses would be brought forward to contradict the most material assertion made by the honourable gentleman (Mr. Wilberforce) to justify his proposal for the abolition of the slave trade. Lord Penrhyn.

Mr. *Grey* wished that if the House agreed to any call, it might be fixed for that day fortnight; on which day, should there appear no probability of a decision in the course of the session, he should move to have it wholly discharged. Mr. Grey.

Mr. *Bastard* objected to the fixing of days to call the House over, and then discharging them; it was a mode that rendered calls frivolous, and of no avail; on that account, they were generally neglected; if a call were agreed to, it ought to be enforced. Mr. Bastard.

Mr. Alderman *Sawbridge* observed, that howsoever desirable it might prove that a decision should be come to, in the present session, he feared that such a circumstance was impossible. He would, however, agree to the call on that day fortnight, at which period they would be able to judge better; and if it should then appear improbable, he would oppose the call hanging any longer over the House, and move that the question be deferred to the ensuing session. Mr. Ald. Sawbridge.

Mr. Alderman *Newnham* remarked, that it was his intention that the call should be serious; and though he lamented the inconvenience which the call hanging over the heads of

Members would occasion to country gentlemen, he should, in the just discharge of his duty, endeavour to continue the call, as long as the business remained before the House. He concluded by moving, "That this House be called over this "day fortnight."

Lord Maitland. Lord *Maitland* expressed himself anxious that the question might not be blinked, but that it might be fully gone into, and fairly discussed, being not only confident that he should convince that House, that if the slave trade were abolished, they would do what was more likely to ruin the commerce of the country, than any possible measure which could be adopted by Parliament.

Mr. Bastard. Mr. *Bastard* begged leave to propose a question, upon which much of the argument urged in the course of the conversation depended, and therefore, he hoped that some person of authority would give an answer. To what period was the session likely to be continued?

Mr. Pitt. Mr. Chancellor *Pitt* replied, that he should not have risen again, but out of respect to the honourable gentleman who had just sat down, he thought it incumbent on him to take some notice of what he had said. With regard to the honourable gentleman's question, it was difficult for him to give any direct answer, and this for the very obvious reason that the investigation of the slave trade was by no means the only business before the House. There were other topics to be discussed, and several of them such as would necessarily run into length. The period of the session, therefore, was not possible to be ascertained by him, any more than by any other Member of that House. Besides what he had mentioned, the honourable gentleman would likewise recollect the circumstance of the trial now going on in Westminster Hall, which, considering the very great length of time that it had continued, and the very great inconveniences it occasioned, all parties must naturally wish to bring to a close in the present session. It was not in the power of that House to prescribe to the Court what day they should sit, but as long as it continue to sit, the House must naturally wish to continue to meet, in order to bring it as soon as possible to a conclusion.

Mr. W. Smith. Mr. *William Smith* remarked, that it would be idle to waste the time of the House, unless they had some prospect of either carrying on their inquiry to an end, and coming to a decision upon it before the session was over, or arriving at some point at which it might be convenient to stop. He begged the House, however, to recollect, that what was repugnant to the feelings of human nature deserved immediate attention, and that no time ought to be lost which could be employed with any sort of advantage in a proceeding grounded

on a hope to appease those feelings, and satisfy the anxious aim of humanity.

Sir *William Dolben* admitted, that if there should be no prospect of coming to any conclusion, or arriving at any useful point in the prosecution of the inquiry, before the session closed, it might hereafter appear proper to put it off; but, he begged gentlemen to recollect, before they made up their minds to any adjournment of the investigation, that a more important subject had never come before the House, nor one more entitled to its fullest and most cautious investigation. Sir Wm. Dolben,

Mr. *Wilberforce* rose for the purpose of animadverting upon what had dropped on the other side of the House, respecting an intention to put an end to the inquiry, on that day fortnight, and to enter his protest against such an intention having, in the smallest degree, the sanction of his concurrence, when he was called to order by Mr. Wilberforce

The *Speaker*, who observed, that he was sorry to interrupt the honourable gentleman; but if he was not mistaken, the honourable gentleman had spoken once or twice already, and if such a violation of order were acquiesced in from the Chair, the most valuable time of the House would be wasted in desultory debates. The Speaker.

Mr. *Medley* remarked, that in order to afford the honourable gentleman, who had been just interrupted, a regular pretext for speaking again, he should move, that the call, instead of standing for that day fortnight, might be postponed until that day month. He assigned reasons why he thought that elongation of the time would be proper, and among others, stated, that it would give gentlemen, who had a little business to do in the country, time to go down and come up again, while the inquiry was proceeding, and the evidence collecting. Mr. Medley

The amendment not being seconded, the question was not put upon it by the Speaker.

Mr. *Marshall* congratulated the House on the auspicious and promising manner in which the Speaker had commenced the discharge of his duty. He was convinced, that when the right honourable gentleman set off with that impartiality and firmness which he had just shewn, the best hopes were to be entertained of his maintaining the dignity of the Chair, and preserving due order and decorum in all their proceedings; matters, which every gentleman must agree with him, were, on all considerations, extremely to be wished; and as they deserved the concurrent support of the House, they ought, on every occasion, to have the ready assistance and countenance of every individual Member. The right honourable gentleman might assure himself of all the aid in his power to administer. Mr. Marshall.

Sir Grey Cooper. *Sir Grey Cooper* rising next, observed, that he considered the motion as settled, and that they were all agreed that the call should be postponed to that day fortnight; yet, previously to the putting of the question, he wished to remind gentlemen, that whether the great and important consideration relative to the proposed abolition of the slave trade were decided, or not, in the course of the present session, it would be necessary to do something more relative to its temporary regulation. A bill for that purpose had passed during the course of the preceding year, which expired next August; further regulation might, and he believed would, be generally thought necessary; but he did not mean to go into that discussion then; he wished merely to take that opportunity of asking whether the gentlemen who had been appointed commissioners, under the act of the last year, to enquire into and ascertain the amount of the losses sustained by the African merchants, ship owners, &c. in consequence of the operation of last year's regulating act, were nearly ready to make their report? *Sir Grey* added, that he put the question then, because he saw one of the Commissioners under the act to which he alluded, present, and if the report could be made by that day fortnight, it might tend materially to assist the House in their inquiry.

Mr. Ald. Watson. *Mr. Alderman Watson* answered, that the other Commissioners with him had proceeded to discharge the duty imposed on them by the act of the last session; but they had not been able to determine on the respective claims exhibited; the claims so brought before them not having been accompanied by any documents on which they could proceed to form a judgement that might be relied on. If the House thought proper, he would state from memory what had come out before the Commissioners.

Sir Grey Cooper. *Sir Grey Cooper* expressed his unwillingness to receive any such imperfect and irregular information; and

The Speaker. The *Speaker* reminded the Alderman, that the matter he was proceeding to go into, could by no means come under the words of the motion, which were, "That this House be called over on this day fortnight."

Sir James Johnstone. *Sir James Johnstone* declared, that it was the duty of all the Members of Parliament to have attended the House that day, and when the day of call came, he would shew the same lenity to those who did not attend then, as he would have shewn to them for being absent that day.

The question being then put, was agreed to.

The House proceeded to read the order of the day for resuming the Committee of the whole House on the slave trade, and as soon as *Sir William Dolben* had taken his seat at the table, counsel and witnesses were called to the bar, and

and the Committee continued to receive evidence. At length the House adjourned.

Wednesday, 10th June,

The order of the day, for the House to resolve itself into a Committee of Ways and Means, having been read, and the various public papers and accounts referred to the Committee,

Mr. Chancellor *Pitt*, rising, remarked that notwithstanding Mr. Pitt
 ing that it might become necessary for him to bring forward, in the moment of his having the honour to submit an account of the national expenditure, and of the national income to the investigation of the Committee a large demand for the ensuing year, above the ordinary amount of what might have been expected as a peace establishment, and to have recourse to extraordinary means for providing for that demand, yet he had no doubt but that a fair review of the revenue, and of the circumstances which had occasioned this extraordinary demand, would confirm all that he had ever asserted of the improving state of the country, and, instead of weakening, would corroborate the expectations which had been holden out to the House four years ago, by the Report of the Committee appointed to examine the public accounts. Mr. Pitt then stated the supplies voted for the service of the present year. For the ordinary and extraordinary of the Navy, 2,328,570*l.*; for the Army, 1,517,000*l.*; besides a sum for extraordinaries of 398,000*l.*; which being, in fact, already paid out of sums that had casually fallen into the Exchequer, did not remain to be provided for. For the Ordnance, 713,000*l.*; for money paid to the Loyalists, 355,000*l.*; for the maintenance of convicts, 56,000*l.*; to make good the deficiency of the Land and Malt Tax, 350,000*l.* These, with the sums for plantation services, monies advanced in consequence of addresses, and to the different Boards, made the whole supply for the year 1789 amount to 5,539,000*l.*

To this was to be added, for the present, 191,000*l.*; to make good the like sum advanced for foreign secret service from the Civil List. This sum, however, would not eventually add to the expences of the country, because it was to be repaid, with interest, by instalments, which instalments would be regularly applied to the discharge of the money borrowed in consequence of this loan; and he did not imagine that the Committee would think it improper to make it good to the Civil List in the mean time. The total supply for the present year would then be 5,730,000*l.* Concerning the Exchequer Bills, as they were renewed from year to year, he did not think it necessary to make any remark.

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As ways and means to provide for this supply, he took the Land and Malt Tax at 2,730,000l.; to be raised by a loan, 1,002,500l.; by a lottery, 200,000l.; to make good the sum advanced for secret services, to be raised by short annuities, 187,000l.; from the consolidated fund, 1,530,000l. The average of all the taxes, for the two last years, was 12,978,000l. It was true that the produce for the last year had fallen 300,000l. short of that of the preceding year; but from many circumstances he did not think the produce for either of those years the proper estimate to go by. The regulations of taxes that had taken place in the year 1787; in particular that which promised to be the most productive, the regulation of the duties on wine, had not had time to produce their full effect; which was one among many reasons why the produce of the taxes in the last year had been less than it ought to have been. The commercial treaty with France, concluded in 1786, had naturally occasioned a sudden increase both in the exports and imports, which had swelled the produce for 1787 beyond its proper level. It was therefore fair to take the average of those two years as the proper estimate; and this was further confirmed by the increasing produce of the taxes for the present year. The annual charge on this produce was 11,278,000l., leaving a surplus of 1,700,000l. There were, however, several circumstances from which a still greater surplus of taxes might be expected. The amount of the assessed taxes paid into the Exchequer last year, had been less than it ought to have been, merely from the delay in the payment of several, in consequence of disputes between the collectors and those who were to pay them.

There was, by this means, a considerable balance outstanding, which would be paid in, and might amount to 120,000l. There was also a balance of account in the hands of the collectors, which would be recovered, and might give 100,000l. more. There was due from the East India Company 500,000l., a debt which the Company indeed disputed, and consequently only 300,000l. of it had been paid last year. Recent accounts from India confirmed that the balance was due to Government, and therefore 200,000l. would be paid this year. There was still an additional source of revenue by a regulation in the mode of collecting the duties on tobacco, almost the only article which continued to be an object of smuggling to any great extent, and the duties on which he meant to put under the Board of Excise, in the present session, which would produce an increase of about 350,000l. Taking all these articles together, the growing produce of the sinking fund might be estimated at 2,050,000l., from which deducting 520,000l. for the deficiency of taxes in the course of the preceding year, there would remain 1,530,000l.,
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making the whole of the ways and means amount to 5,800,000*l.*, or about 70,000*l.* more than the supply. It remained only to provide for the interest of a million to be borrowed, and the sum lost to the revenue by the repeal of the shop tax. The sum to make good the money advanced for secret service was out of the question, because he had already stated that it would be repaid with interest. What then was the situation of the finances? In 1786, when they were more particularly under consideration, the subject of dispute had been, first, whether we could pay the extraordinary expences which must accrue before we arrived at a regular peace establishment, without a loan? and next, whether the revenue would answer to the sum stated by the Committee of accounts as necessary to pay the interest of the public debt, and to have a surplus of one million annually towards its liquidation? From 1786 we had raised no money by loan; it was now proposed to raise one million, and we had since that time encreased the Navy debt 500,000*l.* Now, what had been the extraordinary expences since that time? We had paid 3,500,000*l.* above the average peace establishment: we had paid, besides, 852,000*l.* to the Loyalists; 216,000*l.* for the Prince of Wales's debts; 210,000*l.* for the debts of the Civil List, and 253,000*l.* for the expence of the armament last year; which sums, taken together, were equal to the additional Navy debt incurred, and the million now to be borrowed. So that although in three years 3,500,000*l.* had been paid above the calculation of the Committee, and 3,750,000*l.* for the reduction of the national debt, with which above four millions of debt had been actually paid, and 120,000*l.* brought annually to the sinking fund, had it not been for those unforeseen expences we should not only have been able to provide for the extraordinary million wanted this year, without any additional burden on the people, but we should not even have wanted a substitute for the shop tax. Under those circumstances, he might congratulate himself, he might congratulate the country, that the hopes which he had entertained were well founded, and that the calculations of the Committee had been verified to a degree of accuracy seldom to be expected in such calculations.

His next statement would be that of the permanent income. It had been declared by the same Committee, that 15,500,000*l.* revenue was necessary to defray the annual expences, and leave one million to be applied to the reduction of the debt. How did it stand at present? On an average of the last two years it appeared to be 15,578,000 nearly exceeding by 100,000*l.* what the Committee had thought to be necessary. There was, therefore, no disappointment with regard to the permanent income. It was not then necessary to

say

say much to convince the Committee that the finances were in as good a situation as there ever had been any reason held out to expect; he had neither been necessary to deceiving the public, nor been deceived himself; and the new burdens to be imposed ought to be borne with as much cheerfulness as any which were imposed on fair grounds, and for necessary purposes.

In providing for the million to be raised by loan, he had felt it his duty to establish a principle which might confirm the credit and the confidence arising from the unalienable application of a sinking fund. For this purpose it was indispensable, either to encrease the sinking fund in proportion to the additional debt, or to add to the present taxes without making any addition to the funded debt. The latter method he preferred as being more secure against any alienation of the sinking fund, and as enabling him to take advantage of the spirit of adventure to which the present abundance of money in the market gave rise. He meant to raise a million by annuities with benefit of survivorship; by which means a tax would be raised, which in time must extinguish itself, and no addition be made to the public debt. Calculating on the most approved tables of lives, and reckoning the interest of money from the three per cents. at about four per cent. he had found that the interest on the whole would be about 4l. 10s. per cent. The persons who agreed for the whole, had allowed a small premium of 2,500l. It was part of the terms that no more than 1000l. a year should ever be received on the sum of 100l., a matter not of much consequence perhaps; but as it might guard against any uncommon length of survivorship, so far it was in favour of the public. The subscribers were divided into six classes; and it was computed that an equal sum would be subscribed by each; but as more of one class might offer than of any other, the contractors were not to be confined on this head. The interest, therefore, could not be precisely ascertained till the subscription was full, but might be taken at 44,750l. To replace the sum lent from the Civil List, he meant to raise 290,000l. by short annuities; which the instalments received in payment would answer; and in doing this he had made an economical bargain for the public.

During the course of the preceding year the shop tax had produced about 56,000l., which, with the tontine annuities, would make nearly 100,000l., to be raised by new taxes. To do this he proposed an augmentation of certain stamp duties: 1st. An additional halfpenny on every newspaper, which would produce 28,000l.; sixpence additional on each advertisement, 9000l.; sixpence additional on cards and dice, 9000l.; an additional duty on probates of wills, in proportion

portion to the sum bequeathed, 18,2611; on legacies to collateral relations, 5000l.; making in all, by stamp duties. 69,2611. On horses and carriages—On one carriage an additional of one-eighth of the present duty; on two an addition of one pound for the first, and of two for the second; on three or more, one pound for the first, and three for all the rest: on two horses no addition for the first, but five shillings for the second; on three, four, or five horses, seven and sixpence for all above one; or more than five, ten shillings; making in all, with the additional stamp duties, about 111,000l. Having remarked that he was guided by every possible principle of the strictest economy in the case of the loan; and that the nature of the taxes was not likely to press heavily upon the poor, or even upon individuals whose circumstances were narrow, he moved his first resolution.

Mr. *Sheridan* rising next, observed, that in the case of a statement by which the public prosperity was to be estimated, it became so natural to wish to realize the favourable expectations which might be entertained of the situation of the country, that it was a task extremely painful to raise any dispute, or even to insinuate any doubts which might tend to remove the greatful delusion. Upon an occasion like this, however, it was impossible to be silent; and, therefore, he should think himself warranted in making a trespass upon the attention of the House. Certain propositions had been made by the Chancellor of the Exchequer in the course of his speech, and it would be very easy for him to lay down other propositions, which would entirely contradict them; but this would be going upon grounds too loose for the House to form any judgement of the merits of their several affirmations, which could only be established by a reference to authentic documents. To these he was willing to refer himself; and it would be a test of sincerity in the Chancellor of the Exchequer, much to be wished for, if he would submit himself to the same trial, and would not oppose any motion which he should make for the production of such papers as would affirm or disaffirm, by an irresistible authority, what they could severally advance in opposition to each other.

Superficial and slight indeed was the manner in which the right honourable gentleman (Mr. Pitt) had condescended to justify the loan he had proposed. He had said little or nothing about what the House had a right to expect to be more particularly informed of, and he had scarcely shewn a cause of any kind, much less a sufficient cause, why the nation should be reduced to the unexampled dilemma in time of peace, and amidst all the triumph which they had been used to on the part of the right honourable gentleman, in respect of the flourishing situation of our finances, of encreasing the

themselves capable of judging of, without sending it to a Committee. He then repeated some of his former statements, to show that the deficiencies arose from the extraordinary and unforeseen expences which had occurred, and not from any error in the statements formerly made to the House. He avoided going into any answer respecting the probable future reduction of expenditure, and said that this would be a point of discussion on another day.

Mr. Fox. Mr. Fox begged leave to intimate to the right honourable gentleman, (Mr. Pitt) that however he might pretend to deny the charge of his honourable friend, who had stated that he (Mr. Pitt) had evaded giving any substantial reason to justify the loan, which had now been brought forward, and that he had contented himself instead thereof, by amusing them with a sophistical description of the manner of the loan, and how, by his extraordinary management, it was not to be a public burden, yet it was very plain to his mind, that the charge thus made by his honourable friend was not without sufficient foundation. For his part, he thought the position of the Chancellor of the Exchequer, that the capital of the national debt was not increased by a tontine loan, was a very extraordinary position indeed. It was true that the subscribers to the loan could not call upon government for any principal sum of money to be paid to them at any time; but, in respect to this, they were only in circumstances common to all the rest of the public creditors. They will none of them ever call upon the public for any part of the capital of their debt. This capital existed no where but in the interest which was annually paid; and this interest was equally a burden and equally a capital, in whatever way, or upon whatever terms, the money had been borrowed. There were several ways by which the public might become indebted; they might borrow money upon long annuities, or upon short annuities, or upon a perpetual fund. Immense sums of money (sums equal to all which the nation now owes) might be borrowed upon long or upon short annuities; in which case it would remain for the very singular ingenuity of the Chancellor of the Exchequer, with all his paradoxical excellence, to prove that the capital of the national debt had not been at all increased. Admitting (added Mr. Fox) the statements of the right honourable gentleman to be just with respect to the excess of the revenue, over and above the sum which was required to defray the national expenditure, and to pay off the annual million, and which excess (upon which he had given himself so much credit) he stated to be about 70,000l., still he contended that all this was extremely inadequate to realize the expectations of its defraying the national expenditure, and paying off the annual million. Ex-

perience

perience had fully proved that it was not equal to these purposes for the three years which had passed ; and was there any ground to suppose that things were now suddenly to turn round, out of compliment to the Minister, and that that was now to happen which had not happened before ? If there were any circumstances which could justify an expectation so agreeable, he was ready to grant those circumstances all the favour they could possibly deserve ; but the reverse of this was the melancholy truth ; and there was indeed every reason to infer, that the same circumstances which hitherto operated to defeat the promises which had been so liberally made, must, from inevitable necessity, still continue to operate to defeat the promises which still continue to be made with the accustomed liberality. We are told that the very distinguished situation which we are now enabled to hold among the nations of Europe, is one cause of the increased expenditure, and of the new impositions. If this was the case, Mr. Fox hoped that the cause of the increased expenditure, and consequently the increased expenditure would still continue to subsist. For the purpose of protecting our settlements abroad, it was necessary (it had been stated) to furnish them with an additional number of regiments ; hence it was that an additional expence was incurred, beyond what we had laid our account for ; but Mr. Fox said, that it will not be less necessary to protect our settlements abroad next year, than it was to protect them this year ; nor will it be less necessary to protect them the year after next year, than it will be necessary to protect them next year. This, therefore, is a permanent, and not a transient expence, and its effects will be the same ; they will have the same operation at any time, which they have had at the present time. The same argument would perfectly apply with respect to the increased expence which we had incurred, by voting an additional number of seamen. For his own part he had no objection to that increased number, and he thought that they were perfectly warranted in doing what they had done ; but if they had been thus warranted, he did not see what grounds they could have for supposing that a less number of seamen would serve at a future period of time ; nor was there any thing so peculiar in the present complection of things, as to make them hope that what was admitted to be perfectly proper now, would become improper upon the next occasion that they should have to provide for the public exigencies. For his part, although it appeared a very plain case to him, that the same system of which they had now had the experience for three years, must still continue ; and that, consequently, any relief to the public, from a probable reduction in its expences, was just as far off now that it was promised us, as it was far off three years ago,

ago, when it was equally promised us; although this appeared to him to be a very plain case, yet he thought the doctrine of the Chancellor of the Exchequer very extraordinary, when he coupled the very shining and the very enviable situation of this country, with the increased expences of the country. Accustomed as he was to the plain deduction of reason, he could not help thinking, that the use which should be made of the enviable situation of a country, and of the confirmation of its strength by foreign alliances, was to enable it to reduce its expences, and not occasion an increase of them; but it seems that this circumstance has produced effects widely different from what might have been expected, and should have been one of the principal objects why we should have aimed at the situation, supposing it is what it is represented to be, which we have now attained.

Mr.
Hussey.

Mr. *Hussey* observed, that he was surprised to see the manner in which the right honourable gentleman (Mr. Pitt) had made his average statement. He had stated the probable income of this year at a sum less than that of the last year by 500,000*l*. He wished to know what was the reason of this difference. There was besides an acknowledged increase of navy expenditure, amounting to 500,000*l*. These together made the difference of 1,000,000*l*. between the accounts of the present and the last year. There was likewise a difference of 1,100,000*l*. between the peace establishment; and that which was stated in the report of 1786, would be that of the year 1790; for, by that report, it was specified that the national expence would not exceed 3,900,000*l*, whereas the sum mentioned in the budget for the present year was 5,000,000*l*. The total of these sums, with the million now to be raised by tontine, and the former million that was borrowed, amounted to 4,100,000*l*. which seems to have been an additional burden to the country, while we have been pretending to discharge 3,000,000*l*. of the national debt. These were modes of increasing the public expenditure which he did not approve. They were delusive, fallacious, and dangerous. He had one more observation to make, which was, that the right honourable gentleman had, in his calculation of the revenue, taken four quarters for the present year, by making up the account as ending in April. It was a quarter more than what was stated in the last year; and yet there appeared a reduction in the revenue of 300,000*l*. since the last annual accounts. The custom had always been to take the amount of the receipt of taxes from Christmas to Christmas; and this was the mode which should be adopted. However, the right honourable gentleman could not again take an additional quarter, although he had taken five for four in the present year.

Mr.

Mr. *Steele* endeavoured to explain the propriety of making *Mr. Steele* these statements, as the Chancellor of the Exchequer had done, with some observations that did not appear satisfactory to Mr. *Hussey*. With regard to what the honourable gentleman (Mr. *Sheridan*) had observed, respecting the million being borrowed since the receipt of the Report, Mr. *Steele* said, that it was entirely otherwise: for, this sum was actually borrowed and added to the national debt previous to the year 1786, when the Report was presented to the House. Therefore, there was actually a million less in this particular in the increase of our accumulated debt than what gentlemen had specified.

Mr. *Hussey* observed, that when the honourable gentleman rose professedly to contradict what he had asserted, he hoped to have heard some answers; but the gentleman had not been so good as to satisfy him in any one particular. He had stated that the receipts of this year were, in the present budget, rated at 500,000*l.* less than they were the last year. It was to this particular he desired a satisfactory answer. *Mr. Hussey.*

Mr. *Steele* said, he had never pretended to rise to contradict *Mr. Steele* the honourable gentleman; he only meant to explain what he conceived was misunderstood. With respect to the 500,000*l.* deficiency of this year's income, he had only to answer, that the Chancellor of the Exchequer had omitted taking into the account this year the five hundred thousand pounds which was due to Government from the East-India Company. And as this sum was stated in the budget of the last year, it was evident that the difference arose from this circumstance.

Mr. *Dempster* remarked, that he must give his feeble voice, even if he should be alone, in his objections to the present resolutions. He could not agree to any increase of taxes being levied on the country, in the time of peace. It was then that the nation should be eased of its burdens as much as possible. He deprecated the general profusion of Ministers. He meant not this as any personal reflection on the right honourable gentleman (Mr. *Pitt*.) On the contrary, he believed him as economical as any Minister who had preceded, or might succeed him. But, what he censured was the general extravagance of Ministers in the time of peace. They disposed of the property of the Public, without any care of what the country must suffer under such a perpetual increase of burden. If they were not to feel an alleviation of this weight in the time of national tranquillity, when were they to expect it? Increasing thus, the taxes were not only improvident—they were impolitic. It was by economy in peace that we were to treasure up resources for war. To preserve our dignity and consequence with other nations, it

was not expedient to increase the burdens of the community. The only wise and effectual means were to form alliances with Princes, reduce our armies and navies, and establish a system of economy throughout all the departments of the Government. But, indeed, the mere economy or parsimony of Ministers could not effect this grand object. Without the people were enabled to be economical themselves, it was impossible that they should possess property ready to supply the sudden and pressing emergencies of the State. He hoped to see a time when the House would not agree with every pretence of a Minister for increasing the taxes, at a time when they ought particularly to be diminishing. But if taxes were thus continued to be increased, the people's necessity would enforce economy in the Government. When they were exhausted of the means to support it, then the Minister would be obliged to retrench, and not wantonly increase the national disbursements. Increasing our armies and navies, could not be vindicated on any system of political necessity or propriety, but that of present emergency. But did that emergency now exist? No! there appeared not the least occasion for our seamen having been, in particular, increased in number. The country was never in a more flourishing state than it was in the year 1755, when our expenditure bore no proportion to what it was in the year 1789. During the peace, in the administration of Sir Robert Walpole, not more than 8000 or 10,000 seamen were thought necessary. The country had then as much power to contend against as they have at present; he could not, therefore, see the expediency of having so superior a number. They were undoubtedly a useful and necessary part of defence; but when they were increased in such a manner as to exhaust our resources, they became then the means of our debility.

Mr. Rolle. Mr. *Rolle* thought, that a time when it was necessary to increase the taxes, something might have been acquired from the sale of the Crown lands. As there had appeared a disposition in the Government to take an estimate of them, he wished to know whether there was any intention of applying their value to the purposes of the State.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that there certainly was an intention of disposing of the Crown lands. But, as it would be impossible to make their sale in time to apply the purchase money to the present occasion, the taxes now proposed had been thought expedient.

Mr. Rolle Mr. *Rolle* rejoiced to hear that the intention was not abandoned.

Mr. Gilbert then read the resolutions which had been proposed by Mr. Pitt, as stated in his speech. They passed without

without a division, but against the dissentient voice of Mr. Dempster.

The House then resumed itself, and adjourned.

Thursday, 11th June.

Mr. Gilbert reported eighteen resolutions, come to in the Committee of Ways and Means on the budget of the preceding Wednesday.

The report having been received,

Lord *Newhaven* desired, before the resolutions were read a first time, to have some information relative to the statement given by the right honourable gentleman upon the foregoing day. He knew not whether he had taken down the right honourable gentleman's words correctly; but, as he was sure that the right honourable gentleman must wish that what he had said should be clearly understood by every Member of that House, and therefore he would read the account which he had taken down at the time, and if it were incorrect, he should hope for information to set him right. Lord *Newhaven* then previously observing, that in a point of such infinite importance, a point, concerning the nature and extent of which every Member, or to speak more justly and generally, the Nation, ought to be well apprized, he felt it his duty not to rest satisfied, without seeking for additional information, begged leave to assure the right honourable gentleman that he had taken down the different articles of Supply and Ways and Means, as accurately as he could, and that on trying to strike a balance between them, it appeared not only that the Supply exceeded the Ways and Means by several hundred thousand pounds; but that the sum lent from the civil list for secret services was only 182,000*l.*, and yet stated in the supply as 191,000*l.* The whole account stood as follows:

S U P P L Y.

To interest of the national debt, charges of management, civil list, and a million to be laid out in the purchase of stock - - -

To interest of the unfunded debt -

£.	s.	d.
11,278,439	13	6½
276,083	6	6
<hr/>		
11,554,523	0	0½
<hr/>		

	£.	s.	d.	
To navy -	2,328,570	0	0	
To ordnance -	459,444	7	9	
To land services	1,917,062	17	9½	
To sundry services	641,853	15	10½	
To secret service-money -	191,342	13	0	
	<hr/>			5,538,273 14 5½
To deficiency of last year's grants -	331,649	18	3½	
To ditto of land and malt -	350,000	0	0	
To ditto, the surplus of the consolidated fund, which last year was taken for 2,545,000l. sterl. on which money was borrowed to the full amount; but the four quarters, ending the 5th of Jan. 1789, only produced 2,024,932l. 2s. 4¼d which leaves a deficiency to be provided for, besides interest of -	520,067	17	7½	
	<hr/>			1,201,717 15 11½
	<hr/>			18,294,514 10 5½
	<hr/>			

WAYS AND MEANS.

	£.	s.	d.	
By produce of taxes -	—	—	—	12,773,399 12 0
By land and malt -	—	—	—	2,750,000 0 0
By profit of the lottery -	—	—	—	271,000 0 0
	<hr/>			15,794,399 12 0
By annuities, with benefit of survivorship -	1,002,500			
By short annuities -	187,000			
	<hr/>			1,189,500 0 0
	<hr/>			16,983,899 12 0

The following sums are supposed
may come in, in the course of the
year, but cannot absolutely be
depended on, viz.

By arrear of assessed taxes	-	120,000
By imprest money	-	100,000
By the East-India Company		200,000
By a supposed increase on the duty of tobacco, from the new regulation	-	100,000

520,000 0 0

17,503,899 12 0

By wanting to pay the expences of
1789, besides what yet remains
of services to be voted . . . -

790,614 18 5½

18,294,514 10 5½

Mr. *Steele* answered, that as he could read best out of his Mr. *Steele*
own book, he should briefly run over the several articles of
the budget, as stated by his right honourable friend, (the
Chancellor of the Exchequer) perfectly convinced of being
able to strike the balance in favour of the Ways and Means.
He remarked, that upon all money issued from the civil list,
there was a charge, by act of Parliament, of two and a half
per cent., and in passing through the Exchequer, a charge of
two and a half more, the amount of which added to 182,000l.
made the exact sum stated in the Supply. The House would
also please to observe, that there was a considerable arrear of
taxes, which, by care and diligence, would certainly be
brought into the Exchequer, and augment the consolidated
fund.

Lord *Newhaven*, observing that he asked only for informa- Lord
tion, added, that he should take another opportunity to en- Newhaven
quire concerning the arrears of taxes.

Mr. *Hussey* adverted to the sinking fund, which he con- Mr.
ceived ought to be supported under every circumstance. He Hussey.
admitted that the annual income was increased, but contend-
ed that it would be to no purpose, if the expenditure of the
country were not kept within due bounds; and he desired in-
formation from the right honourable gentleman (Mr. Pitt)
relative to the probability of the expenditure at the end of
the year 1790, being reduced to the amount estimated by the
Revenue Committee in 1786. He remarked, that on com-
paring the fixed annual expenditure with the annual income,
there appeared to be a balance of little more than four mil-
lions

lions to provide for the army, the navy, the ordnance, and the other various and yearly voted services. Should, therefore, as was the case in the present year, the expence of those services exceed five millions, how was it possible that a million could be applied to the reduction of the national debt?

Mr. Pitt. Mr. Chancellor *Pitt* expressed the satisfaction with which he now found it admitted, on all hands, that the income of the country was greater than the amount at which it had been estimated by the Committee of Finance in 1786. This was a point gained; and gentlemen who had been among the foremost to deny the probability of the Public income arriving at the amount of the given estimate for the year 1790, were now contented to resort to single questions, which were easily answered. The business would daily prove less intricate; and as the honourable gentleman opposite to him had, in his remarks the preceding day, himself admitted, that the income had so increased, [Mr. Sheridan looked as if he thought the conclusion not just] though, by his gesture, he seemed now to deny it, all that remained for him to say was, that notwithstanding it was impossible for him to answer for the unforeseen circumstances which might arise to prevent it, there was every reason to believe, if matters went on in their ordinary course, that the expenditure would be reduced to that level. With regard to the great expenditure for annual services, gentlemen would recollect, that the period at which the Committee had calculated that those services would be reduced to what might be considered as a permanent peace establishment, was not yet arrived. It was true, that owing to unforeseen circumstances, the expence of several departments was considerably increased this year; but he knew of no portion of that expence which would be permanent, except 100,000*l.* a year for the army. It was impossible to say, that circumstances would not arise which might prevent such a reduction as there was every reason to hope and believe would be made. If such circumstances should arise, new aids must be found to defray the expence. All which he had ever contended for was, that, judging from present appearances, there was no reason to think that such aids would be necessary. There was, besides, good ground for hoping, that if unforeseen expences should arise, the growing produce of the taxes, under such regulations as might be, and were to be provided, would prove equal to those expences. A regulation of this sort he had already intimated his intention of carrying into effect this session, with regard to the duties on tobacco.

Mr. Sheridan. Mr. *Sheridan* observed that, aware that assertion on the one side, contradicted by assertion on the other, could prove nothing, he really had not the smallest inclination to have
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spoken

spoken that day, until the right honourable gentleman thought proper to deduce an argument from his gesture. He begged the right honourable gentleman to understand that he was by no means ready to admit, that the public income had increased beyond the estimate for the year 1790, given in the Report of the Committee of Revenue of 1786, and upon taking the public income upon an average of three years back, he believed it would be found that the fact was, that it had not arrived even to the level of that estimate. When the right honourable gentleman then stated his expectation of extraordinary resources, he had declared what he was not less willing to declare at present, that the right honourable gentleman had over-rated them, and if he came then to borrow a million, it proved that he did over-rate them at the time in question. The right honourable gentleman had taken notice of his gesture; he was sorry he had used any, as it had brought on a discussion which could answer no end. Yet, upon the preceding day, less than a gesture had been converted into an argument; his silence had been construed as an admission of the facts as stated by an honourable gentleman opposite to him, and the Chancellor of the Exchequer, who had both directly contradicted him respecting his assertion, that in 1786, a million had been borrowed by Exchequer bills. The right honourable gentleman had, in lofty language, and with a degree of petulance, denied that he borrowed the million, since the report had been made by the Committee of Finance. In fact, the right honourable gentleman seemed extremely sore upon the subject. [Mr. Pitt and some gentlemen near him laughed.] Mr. Sheridan said, if the right honourable gentleman had no better resources than in the laughter of his friends, he was poorly off; but, neither laughter nor sneers should prevent him from asserting, that his silence did not prove him in the wrong. The fact was, as gentlemen might recollect, in 1785, the Chancellor of the Exchequer took credit for two millions of Exchequer bills, and declared at the time, that probably he should not have occasion for more than one million; in which case, the bills for the second million should not be issued. It turned out that only one million was issued in 1785, and in 1786 the Chancellor of the Exchequer so stated it, and made the second million a part of that year's Ways and Means. The million had, in substance, if not precisely and strictly, been borrowed since the Report had been made by the Revenue Committee. There was one material part of his speech the preceding day, Mr. Sheridan said, of which the right honourable gentleman had not thought proper to take the smallest notice, and that was, his proposition for the appointment of an impartial Committee to examine the public accounts, and make their report

report upon them. He had himself expressly declared that he would not enter into any discussion of the subject upon the preceding day, because the debate which must have arisen would only have consisted of assertion on one hand, and denial on the other, without the possibility of affording conviction to any, because it would not have been in their power to come at any thing like proof, for want of proper papers to refer to. The right honourable gentleman had chosen to understand him, the preceding day, as if he had meant merely to move certain resolutions; whereas the appointment of a fair Committee was his object; and if such a Committee were appointed, it would be for the Committee to examine the public accounts, and he was sure it would end in a complete detection of the delusion and fallacy of the right honourable gentleman, and a full justification of what he had advanced.

Mr. Steele Mr. *Steele* repeated his assertion that the additional million of Exchequer bills was borrowed in 1785, and not in 1786.

Mr. Sheridan. Mr. *Sheridan* answered, it was true that the Exchequer bills were voted in 1785, but they had not been added to the debt till 1786. The miserable quibble under which the fact was attempted to be concealed was this: In 1785 the Chancellor of the Exchequer obtained a vote for two millions of additional Exchequer bills, one million only of which (he had said) it was probable would be wanted, but it would be proper to have the other million as a reserve, in case there should be occasion for it. One million of these bills was kept in reserve accordingly; they were unnecessarily issued in 1786, when the right honourable gentleman had resolved to bring forward his new plan of finances, and 700,000*l.* of them actually remained unissued when the Report of the Revenue Committee was laid before the House.

Thus much, Mr. *Sheridan* added, that he felt himself obliged to remark, lest his silence should be construed into an admission of the right honourable gentleman's statement.

Sir Grey Cooper. Sir *Grey Cooper* declared that it was not matter of surprize to him to find that there was a necessity for a loan of one million to supply the deficiency of the ways and means of the current year. From the slightest and most cursory degree of attention to the comparative state of the income and expenditure of the nation, for the two last years, it was clear that extraordinary aids must, by unavoidable consequence, be demanded to carry the affairs of the nation through this year; and it required no gift of prophecy to foresee and foretell it. If the deficiency which this loan was to provide for, had arisen wholly, or in great part, from events and circumstances which could not be estimated or foreseen in the year 1786; from the expence of a sudden armament, or from public

lic or secret services, judged by His Majesty's Ministers requisite for conducting and accomplishing an advantageous treaty; or from occasional charges which would not recur; and if the borrowing this million was to be the *be-all* and the *end-all* of loans in time of peace, we might, with cheerfulness, vote the loan and the taxes, and look forward with confidence to our future situation; but if this deficiency were chiefly occasioned by the high expence of the establishments of the Navy, Army, and Ordnance, and if (as it appeared to him) we had no fair ground of hope that any considerable reduction would be made in any of these establishments in the year 1790, we were, with our eyes open, embarking in another certain deficiency in the ensuing year; and the measure now under consideration was a mere temporary expedient: and he ventured to assert that until we could reduce our annual expenditure to 3,900,000*l.*, or 4,000,000*l.* at the highest, we should not be able to find means to give any considerable operation or effect to the excellent plan for the gradual extinction of the national debt. Mr. Necker, in his speech to the *Etats Generaux*, observes, that to borrow and to pay off debts at the same time, are two arrangements which contradict each other; at least, unless the interest of the sum borrowed be less than that of the capitals which are extinguished. This observation could not with accuracy be applied to our mode of redeeming the national debt; but yet if we were to borrow every year to supply the means for this redemption, it would be a succession of weak expedients, without any material operation or effect. In the Report of 1786, they had good patterns of economy laid before them; from the year 1766 to 1769, the expences of the Navy, Army, and Ordnance, did not amount to 3,500,000*l.* In 1770, which year was not stated in the Report, when Lord North was Minister, those expences did not exceed 3,300,000*l.*, it was held out to Parliament that in the year 1790 the annual expenditure would be kept within 4,000,000*l.* that promise was "made to their ears, but had been broken to their hopes." The expenditure of this year amounted to 5,500,000*l.* The great leading consideration in this matter was, what would be a fair estimate of the clear net amount of the national income for the current year, applicable to the public service? He admitted that the estimate of the produce, for the next four quarters, at 12,978,000*l.* was taken upon tolerably fair ground. He had no objection to let it stand at 13,000,000*l.*, and to add, the net produce of land and malt, at 2,500,000*l.* The income of the country taken upon this liberal estimate amounted to 15,500,000*l.* The deficiency of land and malt, last year, was more than 350,000*l.* which reduced the net produce into the Exchequer, to 2,400,000*l.*

2,400,000l. The next material point upon which his computations differed from those of the right honourable gentleman was, the amount of the deductions to be made from the revenue of 13,000,000l. before the net produce for the public service could be liquidated in the Exchequer. The right honourable gentleman had stated those deductions to amount to 11,200,000l. Sir Grey Cooper insisted, that those deductions amounted to 11,520,000l. including the million for the reduction of the national debt.

Interest of national debt	-	9,275,769
Civil List	— — — —	900,000
Charges on the Aggregate Fund, as per report, 1786	— — — —	64,600
Appropriated duties, as per ditto	—	66,538
Interest of Exchequer bills	—	180,000
Interest of Navy bills	—	33,229
		<hr/>
		10,520,136
Million for reduction of debt	—	11,520,136

The income of the country, upon this statement, did not exceed four millions, applicable to the services of the army, navy, ordnance, and miscellaneous services. If this were so, and no better or more certain resources existed to be added to the ways and means of the current year, than those remote contingencies stated to the Committee by the right honourable gentleman, another deficiency must necessarily present itself to them on the 5th of April, 1790, and another loan must be resorted to, until the annual expenditure could be reduced to four millions.

Mr. Bastard. Mr. *Bastard* declared, that he had never sat in the House with more painful feelings than during the preceding day. Had he conceived the finances to have been in such a state as they now appeared to be in, he certainly would not have opposed the wine and post-horse taxes the last session, and, for the same reason, he should be inclined to give the intended regulation relative to tobacco his support, whenever it should be brought forward. He reminded the House of the statement given by the Chancellor of the Exchequer on a former occasion, when he had said that they were able to provide for the extraordinary expence, without going into an extraordinary operation of finance. He should not have risen that day, if he did not think that the deficiency could be supplied without any new taxes. He referred to the Report of the Commissioners of Accounts, in which they had pointed out where 26,000l. per annum might be saved. He also mentioned the unclaimed dividends in the Bank, and the sale of the waste lands, which latter subject had been seven years

years under inquiry. He dwelt on the propriety of following up the suggestion of the Commissioners of Accounts, and said, that till their Reports were contradicted, they ought to be attended to. Mr. Bastard observed, that as long as the present Chancellor of the Exchequer remained in Administration, he had thought, and the country had thought so likewise, that there would be a total emancipation from the burden of additional taxes.

The question was then put, "That the resolutions be read a second time." After which,

Mr. *Henniker* alluding to the objections made to the proposed loan, on the score of its being an addition to the national debt, asserted the contrary to be the case. It was not (he said) a perpetuity, but a loan, having in it (what every loan ought to have) a principle of self-reduction. Mr. *Henniker*,

Mr. *Steele* observed that the Budget of 1786, and what then passed, had been so mistated and unfounded, that he could not sit quietly in his place and let it proceed without explanation. Mr. *Steele* then stated a narrative of what had fallen from the Chancellor of the Exchequer in 1786, when the system of appropriating a million had been first adopted. The most essential part of this statement was, Mr. *Steele's* reminding the House, that the Chancellor of the Exchequer had, in 1786, expressly said, that although he expected to find several extraordinary aids to enable him to go on with, yet that such extraordinary demands might occur that he might have occasion for a loan of one or two millions: That he would put it off as long as he possibly could. That, Mr. *Steele* said, was the fact, and, therefore, there was no ground for charging his right honourable friend with any thing like a fallacy. Mr. *Steele* referred Mr. *Sheridan* and the House to the Report of the Navy Board, on which the Revenue Committee of 1786 had built that part of their Report, and thence they would see that the navy expences had not increased beyond what might have been expected. Mr. *Steele*,

Mr. *Sheridan* declared that he never heard any assertion with more astonishment than that of the honourable gentleman who spoke last. He gave him as much credit as his recollection of a speech, delivered four years ago, could entitle him to; but, without putting his memory against the honourable gentleman's, it was utterly impossible that the Chancellor of the Exchequer could have come to the House with a speech to contradict the Report of his Committee. He averred that in that Report there was not an idea thrown out about the probability of a future loan. Was it to be concluded that the right honourable gentleman (Mr. *Pitt*) could so far forget his object, as to say to the House, that, perhaps, he might want a small sum of a million or two, for the purpose

pose of paying off three millions of the national debt? The right honourable gentleman himself admitted the increase of the army to be a permanent expence. He believed that the navy establishment could not be diminished with a due regard to the safety of the country; but on that subject it was not his intention to argue at present, if the right honourable gentleman did not oppose his motion for appointing a Committee of the House, of a different complexion from the former. They could have the best information from Sir Charles Middleton. He added, that he would either on the morrow or on Monday move for some papers which were necessary to be submitted to that Committee.

Marq. of Graham. The *Marquis of Graham* imputed much of the misconception which appeared to have prevailed to gentlemen's confounding the statements of the two last years expenditure and income, with what the Committee of Finance in 1786 had reported would be the state of the income and expenditure at the end of the year 1790. The Marquis stated what the Committee of 1786 had considered as likely to be the peace establishment at the end of the year 1790, and what had been the conduct of his right honourable friend at the time when the Report was made. He animadverted on the novel idea of a Committee constituted like that which an honourable gentleman (Mr. Sheridan) had described, of such as had neither been in office, nor had any expectation of being in office, nor desired to be in office. The Members who were on that Committee ought (the Marquis conceived) to be sworn previously to their sitting as Committeemen, as to the extraordinary fact of their never desiring to be in office.

Sir James Johnstone. Sir *James Johnstone* approving of the tontine, conceived that of all the alliances ever formed by the right honourable gentleman, (Mr. Pitt) whether with the Prince of Hesse, or even with the King of Prussia, the most powerful and (doubtless in the end) the most advantageous for the country was that which he had entered into with Doctor Death. He admired the idea of the burthen on the public being governed by the mortality of mankind. It was a wise way of providing for the necessities of the State. Sir James spoke on the tax on horses, and thought it not sufficiently comprehensive. He asked, why mules should not be liable to the duty as well as a gelding, a mare, or a stone-horse?

Mr. Sheridan. Mr *Sheridan* observed that he could not avoid admiring the pleasantry with which the noble Marquis treated his proposition for an independant Committee. Notwithstanding the noble Marquis had humorously said, that the Members nominated on such a Committee should swear, that they did not wish to be in office, yet he had no doubt there were gentlemen in that House, who neither were in office, nor wished

to be in office, and who were competent to the business in question. Did the noble Marquis mean to intimate that there were no gentlemen in the House, except placemen, who were capable of examining and stating the resources and expenditure of the national finances? He did not say that the same Committee had wilfully deceived the Public; but their conclusions certainly were not justified by experience; and therefore he thought himself at liberty, without meaning to throw the smallest imputation on any Member of that Committee, to move for a new enquiry into the state of the public accounts.

Sir *Charles Middleton* remarked that with regard to the Navy, the report of the Committee had been tolerably accurate. Ninety thousand pounds of additional expence had been incurred on the article of hemp alone; and, he presumed, Ministers thought that a very wise and politic measure. The dock-yards also were never better filled with stores of all kinds than at present; and at whatever expence that could be effected, the nation ought not to grudge it. Sir Charl. Middleton

The *Marquis of Graham* defended his animadversions on the Committee, by urging the extreme novelty of the formation of such a Committee; and he considered the proposition of such a Committee as an indirect imputation on gentlemen in office, the obvious inference being, that they would abuse the trust which might be reposed in them by the House, and report what they did not believe to be the fact. Such an imputation the Marquis considered as derogatory to the dignity of the House, and he declared that he felt it to be injurious to himself. Marq. of Graham.

Mr. *Sheridan* protested that he meant nothing coarse or personal, and denied that it was a novel thing to have such a Committee. As a proof of this, he mentioned a Committee which had been appointed during the American war, and consisted chiefly of country gentlemen. He did not like to have such another Committee as that of 1786, because though he did not mean to charge them with having done so intentionally, he was of opinion that they had deceived the House and the public. With regard to a Committee of gentlemen in office, Mr. Sheridan thought they were liable to be less careful in their enquiry after the truth, from a natural wish to find the most favourable side of the question to be the fact, than any other set of gentlemen. Mr. Sheridan.

Mr. Chancellor *Pitt* answered that the honourable gentleman was mistaken in his precedent; and that the Committee to which he had referred was not composed wholly of country gentlemen, since Colonel Barré sat on it, and took a great part in its proceedings. Mr. Pitt.

The question was at length put, and the resolutions read a second time and agreed to.

Mr. Chancellor Pitt gave notice that on the ensuing Monday it was his intention to move the House to go into a Committee to consider of the duties payable on tobacco.

Mr. Sheridan. Mr. *Sheridan* wished to know whether it was Mr. Pitt's intention on that day, to move any final resolution on the subject. He really thought that in a question of so much importance, at least as much previous notice should have been given to the merchants and manufacturers of tobacco as had been given to the dealers in wine, when it was put under the regulation of the Excise laws.

Mr. Pitt. Mr. Chancellor *Pitt* answered that it was his intention, on Monday, to state the grounds on which the proposition he had to bring forward was founded, and afterwards to move the Committee to agree to it. He believed that all those concerned in tobacco were sufficiently apprized of his intention, as he certainly had made no secret of it; at any rate ample time would be given, in the subsequent stages of the business, for hearing the objections which might be urged by them against the propriety of the measure.

Lord Maitland. Lord *Maitland* rose before the Speaker left the chair to give notice, that when the House was likely to be occupied with other business till seven or eight, he would move in future, that the slave-trade enquiry should not be proceeded with on that day. He assigned the great expence to the parties employing counsel, as the motive of his intended conduct.

Mr. Pitt. Mr. Chancellor *Pitt* reasoned against such an intention, and maintained that it would prove a material impediment to the progress of the important investigation in which the House were engaged.

Sir Wm. Dolben. Sir *William Dolben* hoped that gentlemen would keep in mind the difference between a proposition for the abolition of the slave trade, and a proposition merely for the regulation of it, and would govern their questions to the witnesses accordingly. Sir William Dolben gave notice of his intention shortly to propose a continuation of the regulation act which passed in the course of the preceding year with amendments.

At length the order of the day for going into the Committee was read, and the Speaker left the chair. Sir William Dolben then took his seat at the table, and counsel and witnesses were called to the bar.

Afterwards the House adjourned.

Monday, 15th June.

Maj. Scott. Major *Scott* having moved for "A copy of Mr. Grant's letter to the right honourable Earl Cornwallis on the re-venues

“venues arising from the duties on salt, at Bengal,” observed that he should have confined himself merely to the motion which he had made, if an honourable gentleman had not desired him to state the grounds upon which he made it, which he would do as shortly as possible. The House knew that the time approached when what was called the Indian Budget came under its consideration. In the discussions upon it, it had been usual to go very fully into the state of the British government in Bengal. He, for one, had invariably contended, that the natives of that extensive empire were in every respect happier and better governed under our administration, than at any other period of their history. In support of this opinion he had moved for the several testimonials relative to Mr. Hastings, who had presided over the government of Bengal for thirteen years. The House had ordered these testimonials to be printed, and they would speak for themselves. The paper he now moved for, was a document written by a gentleman who had been appointed to a very high office in the revenue department in Bengal, by Sir John Macpherson: that gentleman had written an Analysis of the Revenues of Bengal, a work of great labour and ingenuity, which tended to show our government in a favourable point of view. He had lately transmitted to Earl Cornwallis a very curious treatise relative to the Salt Revenue. He proved in that treatise that the consumption of salt in Bengal was double what it had been twenty-five years ago, which Mr. Grant imputed to the increase of population, agriculture, and commerce, in Bengal, during that period; an opinion which precisely coincided with every idea which he (the Major) had ever entertained, from every observation he had made during a long residence in Bengal, and therefore he moved for this paper, intending to make use both of that and the testimonials hereafter, in opposition to the very strange and extraordinary assertions which were thrown out in that House and elsewhere, when the state of the British government in India was mentioned.

The motion passed without opposition.

The order of the day being read for the House to resolve itself into a Committee on the bill respecting debtors and creditors.

Mr. *Wigley* having begged leave to state his objections against the bill before the Speaker left the chair, went through it clause by clause, and argued upon the same grounds as he had rested his opposition to the bill upon a former day. He considered the bill in the different views of its probable effect upon creditors and upon debtors, and also with respect to the bankrupt laws, and concluded with generally declaring, that although the honourable introducer of the

Mr. *Wigley*.

the bill was entitled to the thanks of the public for his good intention, the bill nevertheless appeared to him as likely, if suffered to pass into a law, to produce more evil than advantage.

Mr. Burges. Mr. *Burges* observed that the present time was by no means the most proper for answering the objections of the honourable gentleman, because the bill had but just been sent down from a Committee above stairs; and it was not possible for the House to form any opinion respecting it, till it had been recommitted to a Committee of the whole House; a stage to which they were on the eve of proceeding. When the bill had gone through the Committee, and the different amendments had been made in it, which he meant to propose, it would come before the House in an intelligible shape, and they would be better able to judge of its probable utility, or its probable inconvenience. When it should have arrived at that stage, he professed that he would be ready and willing to answer every objection which could be offered to it by the honourable gentleman, or any other Member.

Upon putting the question, Mr. Wigley divided the House, when the numbers were, Ayes, 31; Noes, 12.

The House immediately went into a Committee; after some time spent therein, the Chairman reported progress, desired leave to sit again; and the Speaker returned to the chair.

Mr. Dundas. Mr. *Dundas* (having first moved for a number of papers, preparatory to his opening his East-Indian Budget) explained to the House the grounds of a motion which he was about to introduce for the relief of the Members of the Episcopal Church in Scotland. He stated the principles which had governed that body in their conduct heretofore with respect to their political opinions relative to the succession to the throne of these realms, and the motives on which they had differed in certain essential points, both from the Kirk of Scotland, and from the forms of the established religion of England, especially with regard to their not conforming to use the prayer for the King and the Royal Family, till at length they had thought themselves warranted to pray for the Royal Family. He stated also that notwithstanding all their former difference of opinion, from the ritual and rule of worship, established both in Scotland and in England, they had, on a late occasion, concurred cordially in that uniformity of sentiment which had obviously impressed the whole kingdom, and with joy imitated the example of all their fellow subjects by an ardent and zealous expression of the most loyal and grateful sense of heart-felt satisfaction on the recovery of His Majesty from his late illness. Mr. Dundas mentioned the various severities and restraints imposed upon the Episcopal Church of Scotland by different statutes, declaring that

that all for which he wished by the bill he meant to move for, was to give the members of the Episcopal Church of Scotland the same degree of toleration in matters of religious opinion, which was enjoyed by every other species of Protestant Dissenters. Mr. Dundas concluded with moving, "That leave be given to bring in a bill for granting relief to Pastors or Ministers, and Lay Persons of the Episcopal Communion in Scotland."

The House then resolved itself into a Committee, to take the said motion into consideration, (Sir Henry Hoghton in the chair) when

Mr. *Dempster* rose to second the motion of Mr. Dundas, and assigned as a two-fold reason for supporting the proposition, first, his general desire to have universal toleration prevail, and next his conviction, that no description of His Majesty's subjects either entertained, or had shewn a more sincere, ardent, and loyal attachment to the person and family of the present Sovereign. Mr. Dempster.

The Committee came to a resolution to move for a bill, and the Chairman was ordered to report accordingly.

The House being resumed, the report was made, and leave given to bring in the bill.

The House adjourned.

Tuesday, 16th June.

The House having, on the motion of Captain Berkeley, resolved itself into a Committee on the County Election bill, Mr. Phelps in the chair,

Mr. *Whitbread* adverting to occurrences during the last general election for the County of Bedford, observed that they were proofs of the necessity for making some provision to define and determine the extent of the power of the Sheriff in cases of election. Having gone through the detail, he moved for leave to bring up a clause calculated to answer the end proposed. Mr. Whitbread.

This was opposed by Sir James Erskine, on the ground that the clause in question was irrelevant to the general purport of the bill, and could only be proper in a bill which enacted, that a Register of the Freeholders should be kept.

Captain *Berkeley* begged leave to call to the recollection of the Committee the special grounds on which the present bill had been brought in; and he added that, in his opinion, it included every point which was actually necessary towards the attainment of its object. As the clause, therefore, which the honourable gentleman wished to bring forward, would rather be more properly introduced in the other bill intended to be brought in the next session, in which it would be proposed Captain Berkeley.

posed that a register should be kept; he hoped the honourable gentleman, for the present, would withdraw his clause.

Mr.
Drake.

Mr. *Drake* conceived that it would be much more advisable to postpone the introduction of the clause, till another bill should be before the House.

Upon the question being put, the clause was negatived.

The bill having been gone through, was ordered to be reported upon the morrow.

Mr.
Marshall.

Mr. *Marshall* begged leave to trespass, for some moments, upon the patience and the attention of the House, whilst he observed to them that a paper had been just before put into his hands, containing a paragraph, which, if the word "spirit" that occurred in it, was meant in the sense in which he understood it, was a gross and scandalous libel on that House. Mr. Marshall flattered himself, that during the time that he had sat in that House, no man could accuse him of having been forward to find fault with printers, or to act as if he were in any way an enemy to the liberty of the press. No man wished it more sincerely well than he did, because no man was more thoroughly satisfied, that a free press was essential to the very existence of the Constitution; but, there was a clear distinction between liberty and licentiousness, and the former could not, perhaps, be more effectually supported, than by checking and punishing every instance of the latter. He hoped, therefore, that as long as he had the honour to hold a seat in that House, he should have spirit enough to stand up an advocate for its dignity, and to move a prosecution against any person who should presume to libel its proceedings.

The paragraph in question was, in his opinion, a direct attack on the dignity of that House, and a daring attempt to degrade and disgrace them in the eyes of the people of England. He trusted, therefore, that the House would order the Attorney General to prosecute the printer of the paper which contained it, and which was "The World" of that morning. Mr. Marshall read the paragraph to the House, in the following words:

"Mr. Hastings's trial is to be put off to another session, unless the Lords have spirit enough to put an end to so shameful a business."

The paper was handed to the table, and the paragraph complained of read in form.

While the motion was drawing, Mr. Marshall farther remarked, that as the measure which he now embraced, was pursued upon the spur of indignation, and immediately after the paper had been put into his hands, it was no wonder that what was necessary to be done by him was not properly digested. Upon second thoughts, he believed, that it would be

be more regular, previous to voting the address to His Majesty, for the House to come to a resolution that the said paragraph contained matter of a scandalous and libellous nature, highly reflecting on the proceedings of that House.

This being generally assented to, Mr. Marsham moved the resolution; and added, that the libel was so scandalous and insulting, that he was persuaded every gentleman must feel with him that degree of indignation which such an attack on the honour and dignity of the House must necessarily excite. It was not, in fact, a question of that or the other side of the House, but a question which concerned them all; and he flattered himself that he had the House with him, when he moved, "That the Attorney General be ordered to prosecute the printer and publisher of the paper;" or, which he believed was more regular, "That an humble address be presented to His Majesty, desiring that His Majesty would be graciously pleased to order his Attorney General to prosecute the printer and publisher of the paper in question."

Mr. *Burke* declared, that all persons must perceive the propriety of the motion of his honourable friend, and every man must cordially concur in it. He, for one, felt hurt at being, from day to day, shewn these scandalous paragraphs and gross misrepresentations of the proceedings in that House, both in Westminster Hall and within those walls. At the same time, no man living could wish more than he did that the Public should have a faithful account of all public proceedings.—Every thing of a judicial nature especially ought to be transacted in the public eye, and where it could not be done in the public eye, it ought to meet the public ear, which could only be effected by suffering accounts of what had passed to go forth into the world; but then, those accounts ought to be candid, dispassionate, and, above all, true. It was known by every man, that the publication of any account whatever of matters at issue *pendente lite*, was an irregular and improper proceeding; but there had been, in the paper complained of, accounts published, which were not only irregular, but in the highest degree false and scandalous. He always felt some difficulty in deciding what ought to be done on such occasions, because every man must see that there were palpable distinctions between the two cases which he had mentioned, and a question arose, whether they ought to punish those, who, without any misrepresentation, were only guilty of irregularity, for that irregularity, as well as those who added the offence of misrepresentation and rank falsehood to that of irregularity. There could be no way of proceeding, but to put a stop to such publications altogether, and to publish an account of what passed from day to day, by authority of the

Court, from the short hand writer's notes, which would, in his mind, be neither practicable nor proper. Certainly, if the punctilios respecting matters at issue were carried to their utmost extent, it would tend to suppress much useful information. At the same time, he must confess, that it was, in his opinion, better upon the whole that the Public should receive no information at all, than information which was false. He hoped, therefore, the honourable gentleman would take up the whole body of misrepresentation to which he had alluded, and bring all the libels touching the trial before a Court of Justice. Mr. Burke added, that if he was a person no ways concerned in the scene of action, but living at a distance in the country, and were to form his notions of what passed in that House and in Westminster Hall from the accounts given in the paper complained of, he should have conceived that the reverse of what happened was the true state of the fact, and that instead of the House taking Members of any knowledge, experience, or ability, to act as Managers of the prosecution, it might be supposed that they had fixed upon a set of ideots, the greatest which could be found in all the world. He had been backward in taking any notice of these irregularities, because, as far as regarded himself, he had been long used to them, and despised them, being satisfied that such personal attacks as, from time to time, had been made on the Managers, injured no person's character, when made singly, but when joined to a gross falsification of facts, they became more serious, and necessarily called for proper reprehension.

Maj. Scott Major Scott said, he did not rise to oppose the original motion made by the honourable gentleman, (Mr. Marsham) but to observe upon the extension proposed by the right honourable gentleman (Mr. Burke.) It was, undoubtedly, to be lamented, that the trial had spun out to a length unknown in any criminal prosecution in this or any other country, and that there had been as many accounts of it as there were newspapers. But, he must affirm, that the paper which the right honourable gentleman had taxed with unfairness, contained a very impartial account, intermixed with much wit and humour, and with a poetical description of each day's proceedings, which was read by men of all parties and descriptions, and universally admired. As for himself, he had been grossly misrepresented, but he did not mind it. He was accused of what he least expected, of giving unwilling evidence, or something like it; whereas the fact was, he had answered at very great length every question that was put to him before a very full Court, who all knew that the assertion was unfounded, and therefore he passed it by as unworthy of notice. The Speaker observing, that the present question was,

was, as to a paragraph which seemed to reflect on the House of Commons, to that, the Major said, he had no opposition to give; but should certainly oppose any extension, if it was proposed agreeably to the right honourable gentleman (Mr. Burke's) idea.

The *Speaker* interrupted the Major, by desiring him to attend to the motion, to which his argument could by no means apply. The Speaker.

The question being put and agreed to,

Mr. *Marshall* rose to move, "That an humble address be presented to His Majesty, begging His Majesty graciously to give directions to his Attorney General to prosecute the printer and publisher of the paper." Mr. Marshall considered the paragraph as an attack on the privileges of that House, by complimenting the Lords on their spirit, and thereby insinuating that the House of Commons would not execute their duty. This, as a Member of the House of Commons, he could not read without indignation, but he did not wish to repress any effusions of genius or humour that the newspapers might contain, on the subject of the trial. To the paragraph he should confine himself, and whenever such an attack was made, and the representatives of the people were sunk in the people's eyes, he was sure it tended to change the constitution, and as that could not be changed but for the worse, he hoped that he should always have spirit enough to rise as he had done that day; and move a prosecution. Mr. Marshall.

The question was put and agreed to, *nem. con.*

Mr. *Burke* having previously remarked, that certain papers meant to be produced as matter of evidence on the trial of Warren Hastings, Esq. had been moved for in his absence from the House, and that a motion had likewise been made for their being printed, added, that the absence of the Managers might either be occasioned by necessary relaxation, to enable them the better to discharge the duty imposed on them by the House, or in reading papers and preparing evidence; so that in fact, they might be actually employed in the discharge of their duty as Managers, when they appeared to be inattentive to the public concerns which were agitating within those walls. Mr. Hastings, as soon as he was aware of the trial coming on, Mr. *Burke* said, had sent out to India to procure acquittances, or what, in the language of the country, was called *roshananas*, or panegyrics on the whole of his government of Bengal. Those *roshananas* had lately arrived, and it appeared to him rather irregular, that their production in that House should be ordered, when a Committee having been appointed to conduct the prosecution and trial of Mr. Hastings, it was of course decided that all

papers relative to the subject be referred to that Committee. Mr. Burke considered the production of the papers before the House as an attempt to prejudice the minds of the Members, and as likely to give an idea to the Public that there was no ground of validity for the prosecution, and that the House had changed its mind respecting it. He therefore rose, to know if, by ordering the papers, the House had any matter of ground to warrant any change of opinion respecting the trial? and he declared, that as, in his opinion, there was clearly a settled plan without doors, by corrupting the press, to mislead the Public, to instil false notions into their minds respecting the whole proceeding, the House could not be too cautious in guarding against rashly and unadvisedly consenting to any motion for papers respecting it.

The Speaker. The *Speaker* observed, that for the preservation of its dignity, and the regularity of the proceedings of the House, it was necessary for gentlemen to guard as much as possible against surprize. The honourable Member, who moved on Monday to have the papers printed, which he had moved for on a preceding day, he (the Speaker) had asked him, if the right honourable gentleman had been apprized of his having moved for any such papers, and of his intention to move that they be printed? when the honourable Member had assured him, that there was no objection to his having them, and that he had apprized the right honourable gentleman of both motions. The Speaker trusted, therefore, that the House would give him credit for having attended as far as in him lay to the discharge of his duty.

Mr. Burke. Mr. *Burke* begged the Speaker and the House to believe, that he had not the smallest idea of imputing neglect of duty to the Chair. No person in the House could conceive the least censure against the Speaker. He had done his duty as far as a Speaker could, and, Mr. Burke said, he hoped the Speaker would think that he had the candor and the justice to make no reflection whatever on his conduct; he meant no charge against any person; all he intended was, to state that he had not had any information of the papers having been moved for till that morning, when he had received a letter in the country on the subject, from a Member of that House.

Maj. Scott. Major *Scott* observed, that although there was no question before the House, it was incumbent upon him to explain the motives for the motion which he had made. A right honourable gentleman (Mr. Burke) in his first speech in Westminster Hall, had said, that the Commons meant to produce, as their first evidence, certain documents that had been transmitted by the Governor General and Council from Bengal relative to Mr. Hastings. The House knew that this

was

was the season when the Indian budget was opened. It was his opinion, founded on long local knowledge, and very diligent inquiry, that Bengal never had been so well governed as under the British Administration. In this opinion he was confirmed by the best authorities, and whenever he met with documents which tended to confirm this opinion, he would do his utmost to bring them forward. To this point the testimonials and addresses transmitted home from Bengal relative to Mr. Hastings most particularly went, and therefore, as soon as he had perused them, he determined to move for them on the grounds he had stated. He shewed his motion to a right honourable gentleman in this House before he made it, but he did not conceive there was the least necessity to communicate it to the honourable Manager, because that gentleman had so explicitly declared that he should himself adduce them in evidence; but, on Friday, after the motion was carried, it was observed in conversation that no Manager was present. He therefore had, the next day, written a letter to the right honourable gentleman (Mr. Burke) informing him that he believed the testimonials would be presented on Monday, and that he should move for their being printed, telling him, at the same time, that as he had so explicitly declared his intention to give them in evidence, he should not himself have thought such a notice necessary, if the absence of all the Managers had not been remarked. This letter he sent by a messenger on Saturday to the right honourable gentleman's house in town, not knowing he was in the country, nor supposing that he would not have left orders with his servants to forward letters to him, which, the Major said, was always his own practice. When, therefore, he made his motion for printing, on Monday, he conceived he had a right to inform the Speaker that he had informed the Manager of his intention, and on the Friday, while in the Committee of the slave trade, he had told other honourable gentlemen who were Managers, that he should move for the printing the papers as soon as they came, upon the same principle. He had moved for another paper yesterday, and should continue, previous to the budget, to move for every paper which tended to shew the actual state of Bengal now, and for many years past; because he conceived it of infinite importance to the honour of this nation, to correct all the erroneous accounts which he had heard there and elsewhere, relative to the actual state of Bengal and its dependencies.

Mr. *Burke* answered, that he should still contend that it Mr. *Burke* was clear, that he had not had notice sent him till after the motion for the papers.

Mr. Chancellor *Pitt* observed, that as the honourable gen- Mr. *Pitt*. tleman, he believed, alluded to him, he wished to speak to a fact.

fact. He did not imagine that the production and printing of those papers could go very materially to produce the mischiefs which the right honourable gentleman over the way dreaded. The honourable gentleman certainly had mentioned the motion to him, and the object for which he moved for them, and the honourable gentleman would recollect that he, at the time, had expressed himself rather against the producing the papers; but as the honourable gentleman appeared to conceive that they would throw light on the business of the Indian budget, he had consented to the motion.

The House having, upon motion, resolved itself into a Committee of the whole House, to take into consideration the duties on tobacco, and the several papers upon the table having been referred to the Committee, Mr. Gilbert took his seat at the table.

Mr. Pitt. Mr. Chancellor *Pitt* trusted, that notwithstanding the extreme importance of the point to which he wished to call the attention of the Committee, he need not take up much of their time at present, since there would be various subsequent stages of the business that would afford sufficient opportunity for discussion and detail, and a few words would serve to satisfy gentlemen, that the resolution he meant to conclude with was proper. The article of tobacco was a considerable object of the revenue; and under the present regulations and duties, a great article of smuggling: indeed, it was the only important article that could be considered as the smuggler's staple, since the regulations that had of late years taken place in regard to teas, wines, and spirits. Mr. Pitt summarily stated the great inducements that were held out to the smuggler to deal in this article, such as the very low price of its prime cost compared with the amount of the duty, &c. which afforded an ample premium to illicit traders, and enticed them to carry on their traffic to a very great extent, to the material detriment of the revenue, and the equal injury of the fair trader. At least one half of the tobacco consumed in the kingdom was smuggled. It had, he observed, been computed, when the alteration was proposed on teas, that the quantity of tea annually imported in Great Britain, amounted to twelve millions of pounds; but it had since turned out that much more was the real amount of the quantity imported. It had generally been thought that the quantity of tobacco bore a tolerably near proportion to the quantity of tea, and upon inquiry, it turned out to be the fact. The merchants of Glasgow, who were intelligent men, and conversant on the subject, were of opinion, that not less than twelve millions of pounds of tobacco were annually imported into the kingdom, and upon application to the several traders in that article in London, they had thought

that the importation was much greater, and that it amounted to nearly sixteen millions, but to fourteen, at least. The actual legal importation, he declared, had been on the average estimated at seven millions, and the last year, perhaps, it would be justifiable to estimate at more; so that there was from five to seven millions of tobacco extraordinary used every year, without the payment of any duty, and to the injury of the revenue, to the amount of nearly three hundred thousand a year, as the duty on each million of pounds was sixty thousand pounds. Such being the state of the case, the House would, doubtless, agree, that it was not more his immediate duty, considering the situation in which he had the honour to stand, to endeavour to improve the public revenue, by the suppression of frauds, than it was their indispensable duty to assist, as far as human prudence could admit, by providing such regulations as were most likely to repair the loss the revenue had sustained, and prevent its sustaining that loss any longer. With this view, it had appeared to him, that, under the present circumstances, the most probable means of effecting the end proposed, would be to change the greater part of the duty upon tobacco from customs to excise, and to subject the manufacturers of tobacco to the survey of excise. Mr. Pitt spoke of the superior advantages resulting from this latter plan, and said, gentlemen must be aware how much stronger the check of taking stock was, than that of merely collecting the duty on importation in the first instance. The peculiar benefit of this plan had been exemplified in a recent instance, in the article of wine, in which, although we had not a fair trial, because the lowering of the duties had taken place so shortly after the regulation, yet a very great and obvious increase of the legal sale of wine had been obtained. He stated particularly what had been the quantity of tons of wine paid duty for, antecedent to the excise regulation, (13,000 tons;) what the increase had been after the regulation had taken effect, (18,000 tons;) and what the additional increase since the duties on wines were lowered, (22,000 tons.) He touched upon the objections which might possibly be made to the regulations he should propose, by the manufacturers; and said, though he hoped that the majority of those who called themselves fair traders, and indeed, by far the greatest part of them were what they called themselves; yet there were probably some manufacturers whose characters and conduct were not quite clear of suspicion, on the score of encouraging smuggling, and whose prejudices, founded in self-interest, might induce them to object to the regulations, and to desire to be heard against them. If any such application should be made, the House undoubtedly would listen to every thing that

that could be urged with patience and with candour; but they would recollect, that arguments coming from persons, circumstanced as he had described, ought to be received with some allowance, and that the allegations of those most likely to be masters of the whole subject, were not always to be relied on implicitly, since when the regulations on wine were proposed, they had men at the bar, who had said confidently and roundly, that, under such restrictions, they could not carry on their trade. The House, at that time, thought their reasoning insufficient, and tried the experiment, and the result had been, that the trade had increased to an astonishing degree. Mr. Pitt stated, that two ways of endeavouring to drive the smuggler out of the market were obvious; the first of these was by lowering the duty so as to deprive the smuggler of all chance of continuing the traffic with any degree of success. This he thought rather too hazardous an experiment to be ventured upon, because the revenue already derived from tobacco was too considerable in amount to be lightly given up, and therefore he had chosen the less dangerous mode of changing the duty from the customs to the excise, and of applying the additional check of the excise survey. He concluded, by observing, that there would be ample opportunities for discussing the subject more at large in the subsequent stages of the business, and mentioned, that the new duty would be nine pence in the pound excise, and six pence customs. He moved, as the first of several resolutions, "That the existing duties on tobacco be repealed."

The several resolutions were agreed to, and the Report ordered to be made upon the morrow.

The House adjourned.

Wednesday, 17th June.

Mr. Grey gave notice that, on a future day, he would move, that an account should be laid before the House, of the steps taken by His Majesty's Attorney General, in consequence of the vote of that House, respecting the prosecutions directed to be instituted against certain printers, during the preceding session.

The Report of the Committee appointed to consider of the tobacco duties, having been brought up by Mr. Gilbert,

Mr.
Vyner.

Mr. Vyner declared, that he could not avoid expressing his astonishment, that at a time when the right honourable gentleman (the Chancellor of the Exchequer) boasted of the prosperous and flourishing state of the finances of the country, he should be impelled to adopt a measure which was not less despotic than ruinous in its consequences to a numerous class

class of fair traders. If the House did not coincide with him in these sentiments, he would take upon him to avow, that a great number of honest and great commercial characters had, after much communication with them concerning the business, agreed with him in what he had asserted.

Alderman *Newnham* thought, that in a time of profound peace, it was extremely arbitrary to extend the excise laws. At all times, it was unpopular. The plan was calculated to oppress individuals, and could not, as differing in its nature, be estimated according to what might have been the benefit resulting from the right honourable gentleman's regulations in the wine trade, which, he would take upon him to prove, were over-rated. In conclusion, the Alderman desired to be informed, upon what day the bill would be introduced?

Mr. Chancellor *Pitt* answered, that he designed to bring in the bill upon the ensuing Friday, and to move to have it committed for the Monday following.

Mr. Alderman *Newnham* said, that he thought the time too short.

Mr. Chancellor *Pitt* replied, that the bill, with alterations, had been sent to all the chief manufacturers of tobacco. The common principles of the bill, he said, they were in possession of these twelve months past.

The House resolved itself into a Committee, Mr. *Vyner* in the chair, on the Rabbit Bill.

Mr. *Welbore Ellis* observed, that the depredations committed on warrens, which were not legal, and there were, he said, a great many, because no Royal licence for a warren had been taken out since the days of James the First, were punishable at the peril of the Magistrate, who was sanctioned by no act of Parliament for that purpose. These depredations were therefore frequent. To remedy these, the present bill was brought in. He proposed a clause to place under legal protection, all warrens down to the value of ten pounds.

Mr. *Hussey* contended, that if no Royal licence had been granted since the reign of James the First, no legal warrens existed, either in law or in fact, at present.

Mr. *Wilberforce* thought, that instead of ten pounds, the blank ought to be filled up with forty or fifty pounds a year.

The House divided on the clause,

For it, 29; Against it, 12. Majority 17.

The House adjourned.

Thursday, 18th June.

A petition was presented by Mr. Sheriff *Curtis* against the debtors and creditors bill. from the Lord Mayor, Aldermen, and Common Council of the city of London.

The same having been read at the table,

Mr. Burges. Mr. *Burges* begged leave to remind the House, that he understood that the petitioners objected to the bill as it stood at present, on account of that part of it which enacted, that the expence of the maintenance of the debtors incurred by the county of Middlesex and the city of London, should be borne by the city; whereas, in the opinion of the petitioners, either the city should be empowered to make a county rate, or a distinction and division of the expence so accruing ought to be made, and that part of it which belonged properly to the county, ought to fall on the county, and that other part incurred by the city, should be borne and defrayed by the city. The petitioners, therefore, wished to have a clause, or clauses inserted to provide accordingly. This Mr *Burges* thought perfectly reasonable, and consequently could have no objection to putting off the Committee to a future day, in order to afford the city leisure for the preparation of their intended clauses.

The order of the day was then read for the House to resolve into a Committee on the debtors and creditors bill, and the same was, upon motion, discharged, and appointed for the ensuing Wednesday.

Mr. Grey. Mr. *Grey* remarked, that now perceiving the Attorney General in the House, he should beg leave to call upon the right honourable and learned gentleman, and ask the reason, why certain prosecutions for libels, ordered by that House, during the course of the preceding session, had not been brought to an issue? He could assure the right honourable and learned gentleman, that he meant nothing personal against him in putting the question; the right honourable and learned gentleman had, he imagined, good reasons to give why the prosecutions in question had lingered so long. and when he heard what those reasons were, he had no doubt but he should be fully satisfied; but he thought it right for the House to watch over the execution of its directions, and most especially where prosecutions for libels were ordered, to take care that such prosecutions were not nugatory, and he the rather embraced that opportunity of putting the question, because he was anxious that the prosecution moved for against the printer and publisher of *The World* the other day, for one of the many gross libels on the House which had appeared in that paper, might be carried into effect, and the printer punished according to his demerits.

Attorney General. The *Attorney General* having observed that he could readily suppose that the honourable gentleman meant nothing personal to him in his inquiries, added, that before he proceeded to answer the honourable gentleman's question, he could not avoid expressing his wish, that prior to prosecutions for libels being moved for in that House, gentlemen would consult

sult those who, from their profession and experience, were best able to advise them, how far the wished for prosecution might be proper and practicable; because, for want of this necessary care and foresight, those whose duty it was to carry on such prosecutions, were subjected to very great difficulties in the conduct of them, and exposed to the danger of being defeated; and he trusted that he need not press upon the House, what must be obvious to every gentleman, that a repetition of verdicts for defendants upon prosecutions, ordered by that House, would tend more to weaken its authority, and disgrace it, than almost any libel whatsoever. With regard to the honourable gentleman's question, the honourable gentleman would recollect, that the prosecution had not originated while he held his present office; and therefore he was not answerable for its conduct; not that he meant to say, by any means, that it had been neglected. One of the causes which were first moved for, had been put in regular process. The earliest step which could be taken was in Michaelmas Term last; neither did it appear possible to bring on the trial previously to the sittings after term, which would have happened early in December last. At that time, a difficulty had arisen, such as never occurred before in any prosecution, and such as made him, with the concurrence of five or six of the most respectable of the Crown lawyers, think it right to pause a little, and see how the difficulty could be surmounted. At the sittings after the next term, he had struck a special jury, and the trial was to have come on in the second week of sittings; and sittings, gentlemen would recollect, lasted but fourteen days, Sundays included. On the Sunday, a gentleman of considerable weight and character in his profession, who was the principal counsel for the defendant, called upon him, and told him, he was so much indisposed, that he could not possibly attend the trial on Tuesday, for which reason he wished that he would consent to postpone it to the Thursday; his answer had been, "That he would readily accommodate him in his proposition, or in any other which did not render it impossible to try the cause that sittings." The learned gentleman to whom he had alluded, applied to him again to put it off on the Thursday, when he had declared himself sorry to be obliged to refuse his concurrence, and to tell his learned brother, that though a sense of his duty would not suffer him to consent, the learned counsel might apply to the Court, and if, after hearing his reasons for wishing to defer the trial, the Court should grant what he applied for, he (Mr. Attorney) must submit. The Court did grant the application, and this concession carried the cause over to the sittings after the next term, that preceding the present. When he was preparing for trial, then the Solicitors to the

Treasury sent him word, that the messenger of the press was in the Middlesex hospital, and that his life was despaired of. The messenger of the press was, he declared, a witness without whom he could not stir a single step in the cause, as he was to prove the publication; he was obliged, therefore, to desist from trying the cause last sittings. He had lately sent to enquire how the poor man was, and he understood that he was getting better, and that hopes were entertained of his speedy recovery; and therefore he meant to apply to the Court, to appoint one of the latest days of this ensuing sittings for trying the cause, by which time he hoped that the messenger of the press would be capable of coming into Court. In conclusion, the Attorney General begged leave to assure the House, that they might in that and in every other instance, depend upon every exertion being made, on his part, in the discharge of his duty, in the conduct of any prosecutions carried on at the instance of the House; but he could not help again signifying his wish, that gentlemen would not hastily, and on the spur of indignation, rise and move a prosecution of that House, but would suppress their resentment, and consider well the whole of the probable consequences which might attend a prosecution before they moved it.

Mr. Grey. Mr. Grey declared that he was glad that so full and satisfactory an explanation had been given by the honourable and learned gentleman, that the Public might see, that the prosecutions ordered last session had not been forgotten, but had been delayed owing to unavoidable causes. It was highly necessary, Mr. Grey said, when that House, in cases of libel, addressed the Crown to prosecute, that the prosecution should be carried on with effect, and the publishers of the libels pursued to punishment.

Mr. Burke Mr. Burke declared, that he agreed most perfectly with the honourable and learned gentleman, that the utmost caution was necessary in moving for prosecutions for libels, under the authority of that House, and that repeated verdicts for defendants in the trial of such prosecutions, would tend more effectually to weaken their authority, and degrade their dignity, than the publication of any libel however slanderous. But surely, it had escaped the honourable and learned gentleman, that the right honourable gentleman who lately sat in the chair had been the Member who moved for the prosecution in question, and therefore, as he was in habits of intimacy with the Crown lawyers, it must be supposed, that the right honourable gentleman had acted with the greatest deliberation, and the more especially as the motion had subsequently received the sanction of His Majesty. Motions for prosecutions for libels in that House, did not greatly im-
press

press his memory ; but, if he recollected rightly, the prosecution alluded to was for a libel against Sir Elijah Impey, who had complained of the newspapers, and called upon the House to protect him from their slander. Undoubtedly, every man whose conduct was under inquiry before that House, was entitled to its protection. It was his due, and he had a clear right to claim it ; but he neither had, nor ever would be the man to advise a prosecution without doors. The House was bound to defend its solemn acts, and to guard them from ridicule and slander ; but, had he been consulted in regard to the prosecution in the case of Sir Elijah Impey, he would not have recommended a resort to any other tribunal than that House, which he should at all times contend, was perfectly competent to support its privileges by an exertion of its own authority. Whenever that arm was turned aside, the House would subject itself to repeated insults of every description, and its privileges might ultimately be carried, by writ of error, before the House of Lords, to be decided upon ; a degradation which the House could not guard against with too jealous a caution. Certain he was, that in all motions for prosecutions for a libel, the House, whatever it did, ought to do it with due deliberation ; and, in all cases, unless of a very aggravated nature, the safest mode of proceeding was to resort to their ancient and wholesome practice of attachment, where their own privileges were infringed or insulted. With regard to the late motion for a prosecution for a libel respecting the trial of Warren Hastings, Esq. that motion had, as they all knew, been made by one of the worthiest, soberest, and most respectable men in that House, who, as he himself declared, had been touched with indignation at the first sight of the most insolent, audacious, and unwarrantable attack, that ever was made on the solemn acts of an House of Parliament. The House were in possession of his opinion upon the subject, and had heard him declare, that provoking and audacious as that libel was, it was nothing in comparison to the many and repeated false accounts which were daily given in the same paper concerning what passed in Westminster Hall. Those continued misrepresentations called for serious notice, because, however respectable any public body might be, if it suffered itself to be daily libelled, abused, and ridiculed, it must, necessarily and unavoidably, sink in the public opinion ; and therefore, such a series of insults, grounded on such a series of falsehoods, were more worthy of prosecution, than a libel on Sir Elijah Impey, or even a general libel on the dignity of the House. He was ready, Mr. Burke said, to allow largely for the inaccuracy of newspaper reports of public and parliamentary proceedings ; and when the scanty time for committing them to the press,

and

and the difficulty of satisfying the craving appetite and eager curiosity of the public for intelligence of an interesting and important nature sufficiently early, were considered, every fair man would be willing to make a reasonable, and a full and liberal allowance. Free discussion, candid disquisition, and even an honest opinion on what passed, or what was passing, might be warrantable; but, in a judicial proceeding, *pendente lite*, even an opinion ought not to be hazarded, because it might injure the cause at issue, and could not be a well grounded opinion before all the evidence and arguments on both sides of the question had been heard and concluded. He understood that papers of wit and humour were regularly published on the subject of the trial; to them, if any such there were, (for he had not seen them) he professed no sort of hostility. But a settled plan of daily misrepresentation, replete with the most libellous and licentious abuse of those who were authorised by that House to conduct the prosecution, might become a serious consideration before the House. For his part, revering, as he did, all the essential aids of the constitution, he thought that if the licence of the press went on that way, the liberty of the press was going, being convinced that the liberty could not have a deadlier foe than the licence, and especially if that licence were exercised through corruption, and at the suggestion of the money of a party interested. At the same time that he gave notice, therefore, that this slanderous series of misrepresentations might hereafter be submitted formally to the consideration of that House, he desired whatever part he might take in it, as one among others, not to be considered as actuated by any personal motives, or by any feelings of his own in consequence of newspaper attacks. He should ground his conduct in this, as in every other public proceeding, upon public principles and public principles only.

The Attorney General having risen to answer,

The
Speaker.

The *Speaker* interrupted him with declaring, that he felt it his duty to state that there was no question before the House. If the House, however, were desirous of hearing the honourable and learned gentleman reply on the subject of a motion, which had been made in his absence (and respecting which, he was in a certain degree a party) it would be for them to exercise their pleasure.

Mr. Burke and other gentlemen wishing that the Attorney General might be heard, the Speaker submitted himself to their inclination.

Attorney
General.

The *Attorney General* then rising again, he believed the right honourable gentlemen had somewhat misunderstood him. He had it not in the smallest degree in his contemplation to have alluded to the prosecutions ordered by the House
last

last year; least of all to that moved for by the right honourable gentleman who lately sat in the Chair. When that was moved for he had been present in the House, and appealed to upon the subject, but had declined giving any opinion, as he always should do on such occasions, because it would subject him to an awkward inconvenience. If he were to say, upon a momentary view of a publication suddenly brought under consideration in that House, "that he did not think any particular matter which might be in discussion a libel," and the House should nevertheless direct him to commence a prosecution; when in court, in discharge of his duty, he should be endeavouring to convince the Jury that they ought to give a verdict for the Crown, a counsel, on the side of the defendant might say, "Gentlemen, you are not to mind Mr. Attorney, however eloquent he may appear; I heard him lately say in the House of Commons, that he thought the matter charged in the information was not a libel." With regard to what he had advanced respecting the propriety of gentlemen not hastily moving for prosecutions for libels under the authority of that House, he wished to caution gentlemen against giving way, in the first instance, to their feelings, when (as men on reading slander must feel) they entertained a desire to commence a prosecution against the publisher of a libel. On such occasions, for a variety of reasons, it would be more prudent, more solemn, and more dignified, if they were to give notice that, on a future day, they intended to move in such or such a particular manner.

Mr. *Burke* concurred with the honourable and learned Mr. *Burke* gentleman, since, beyond all doubt, whether the House or gentlemen themselves were individually concerned in libels, they ought, at any rate, neither rashly nor hastily to commit the House upon such subjects.

Major *Scott* remarked that as there was no question before Maj. *Scott* the House, he did not rise to say one syllable about newspapers, but to give notice to the right honourable gentleman (Mr. *Burke*) opposite to him, that he had moved for a certain letter from Mr. Grant to Earl Cornwallis, to be presented to the House; and as soon as it came he should move for its being printed, because it contained information, which he conceived it exceedingly material for the House to be possessed of when the India Budget was opened. The present notice he should have conceived to be quite unnecessary, if something like an accusation of having taken the House by surprise had not been brought against him by the right honourable gentleman (Mr. *Burke*).

The fact was, that he had moved for a variety of testimonials and addresses relative to Mr. Hastings to be laid before the House when the right honourable gentleman was absent.

He

He made this motion because he knew that they were very highly important in the approaching discussion; and as this went most decidedly to confirm every thing that he had ever said in the House relative to the British government in India, the papers were now printing, and gentlemen would judge for themselves when they read them; but still he should not have made the motion in the absence of the right honourable gentleman, if he had not heard him make use of the following words in the most public manner: "The same candour which has induced the House of Commons to bring before your Lordships the bosom friends and confidantes of Mr. Hastings as their evidences, will not suffer them to suppress for a moment from your Lordships the universal voice of Bengal." After this declaration made so publicly (the Major said) he could not suppose that what was not to be withholden a moment from the Lords, by the Managers for the Commons, was improper for him to propose that the House should receive, in order to throw a true light upon the past and present state of Bengal.

Mr. Burke Mr. *Burke* answered that with regard to any collateral use which might be intended to be made of the papers in question, he knew not what to say; but, he was convinced, that when it was known that certain papers were to be produced as matter of evidence in a pending trial at the suit of that House before the House of Lords, it was highly improper that those papers should be previously exposed to view in the House itself. Mr. *Burke* was proceeding to declare that were any particular point to militate against his judgment he should not suffer it to pass without animadversion — when

The Speaker. The *Speaker* begged leave to intimate to the right honourable gentleman, that when the motion alluded to should be made, he would have a full opportunity of saying every thing he wished to urge upon the subject without being disorderly or irregular, as he must be in a continuance of a conversation without any question before the House.

Mr. Burke Mr. *Burke* answered that he knew not whether he should be there at all during a future agitation of the subject.

The House now resolved itself into a Committee of the whole House, to take into their further consideration the several petitions which had been presented relative to the slave trade, Sir William Dolben in the chair.

Counsel were called to the bar, and the examination of witnesses proceeded as usual.

At length the House adjourned.

Friday,

Friday, 19th June.

The order of the day being read for the second reading of the Revolution Commemoration Bill,

Mr. Beaufoy moved, "that the said bill be read a second time."

Mr. *Bouverie* observed, that for his own part he was resolved to vote against the bill being read a second time, as he saw no good purpose which it could answer, and he would rather vote against it then; with the hope that it would be thrown out, as he wished to save the House and the public an unnecessary waste of time and expence. Mr. Bouverie

Mr. *Beaufoy* declared that it was difficult for him to give reasons why the bill should pass, since the honourable gentleman had not thought proper to assign a single reason why it should not pass; but perhaps some explanation of the object of the bill would not be amiss. The bill (Mr. Beaufoy said) was a bill to enact, that there be annually holden a day of public prayer and thanksgiving to Almighty God, in commemoration of the glorious Revolution. The object, therefore, was necessarily two-fold, to hold up to the people the nature of the events that effected the Revolution, and to impress upon their minds the blessings that had followed from it. It had been objected that the Revolution was already commemorated in the prayers ordered to be read on the fifth of November; but gentlemen would remember that the chief object of that service was to commemorate another, and a very different circumstance, and that it only mentioned the Revolution collaterally, and that in such terms of description as by no means spoke its true character. It described that great event by stating, that the liberties of the people were preserved by a foreign Prince, at the head of foreign troops, subduing the British army. Surely no friend to the Revolution would allow, that it was properly described when it was so stated. What he wished was to set a day apart for the sole commemoration of the Revolution, when the people by hearing the bill of rights read might be instructed in the nature of their rights, and that the time when the present Royal Family were seated on the throne of Great Britain might be holden up to them. If gratitude to the Almighty for such blessings were not a sufficient inducement to the people to return thanks, a sense of their own liberties secured to them by the Revolution, when impressed on their minds by a repetition of the events that led to it, must surely create a sufficient inducement. Of all obvious maxims, none, Mr. Beaufoy said was more obvious, than that the Constitution did not exist so much in the laws and legislative regulations of a country as in the spirit of the people. That celebrated Republic of ancient Mr. Beaufoy.

cient time, had the same laws and the same description of magistrates in the days of her servitude as in the days of her fullest freedom. When Nero reigned, Rome had her consuls and her tribunes, but the people were abject slaves. To guard, therefore, against tyranny on the one hand, and despotism on the other, it was necessary to commemorate the Revolution. Were the bill to pass, the people would be taught what were their rights, and they would see the necessity of steadily supporting them. People of different sentiments with respect to politics, of various opinions in matters of religion, were all agreed in thinking the Revolution a glorious event, and therefore he could not conceive a rational objection which could be urged against its being solemnly commemorated. He had heard that some persons disliked setting apart a separate day for its commemoration; but whether it was commemorated on the 16th of December, the day that the bill of rights had passed a century ago, or on the 5th of November, or on the Sunday nearest the 16th of December, were points that might be settled in the Committee. Convinced as he was that much benefit might arise from authorizing the solemn commemoration of the Revolution, he should persist in his motion that the bill be read a second time.

Mr. Pye. Mr. *Pye* protested that no person wished more sincerely well to the Revolution than he did, but, as the Revolution was already commemorated in the special service for the 5th of November, he should vote against the proposed bill. He declared that he would oppose every innovation upon the Liturgy of the Church of England.

Sir James Johnstone Sir *James Johnstone* said, if the bill was to enact that a day of the week should be set apart for the commemoration of the Revolution, he would vote against the bill, because the taking away a day from the labour and industry of the common people would be cruel and oppressive; if the day of commemoration of the Revolution was to be on a Sunday, he should have no objection.

Sir Wm. Dolben. Sir *William Dolben* did not like to have politics mixed with religious ceremonies, and had no notion of hearing political lectures from the pulpit. If the people had relaxed in the energy of their zeal for their constitutional rights, and it was actually necessary for those rights to be kept in their memory, that House was the proper place to remind them of their rights in, and not the church. Why were they at the end of one hundred years to add to those religious festivals that had already been complained of as too numerous, and the observance of one of which (the 30th of January) that House had of late years contrived to evade? Besides, the Revolution was already commemorated by a church service, and why should they

they provide a new commemoration when there was one in the Book of Common Prayer, which the great characters who effected the Revolution had at the time, and when in all their glory, thought sufficient?

Mr. *Sheridan* observed that an honourable Baronet disapproved of mixing politics with religion; and another honourable Member's objection was, that there was already a commemoration of the Revolution, in what he called the Liturgy. This appeared rather a curious objection. With respect to keeping politics out of the church, he owned, that in one view it should be so; but, would it be an unfit thing for the church to acknowledge that obligation, which no man disputed to be very great and serious? He thought that if there was any one point which did the greatest honour to the church, it was the church's having been the chief cause of producing that very Revolution on which the bill went to establish the commemoration. The only objection which he had heard against the bill, that was of any weight, was that of taking a day of the week for the commemoration, and making a new holiday; but as the honourable gentleman who brought in the bill had expressed himself willing to wave that point, and to take either the Sunday before the 5th of November, or the Sunday nearest to the 16th of December, no ground for opposition was remaining.

Mr.
Sheridan.

Mr. *Beaufoy* said, his own private opinion was, that a Sunday should be the day of commemoration; but he was bound to support the bill, as it came from those who put it into his hands.

Mr.
Beaufoy.

Lord *Fielding* suggested an idea of comprehending all subjects of commemoration in one day's service.

Lord
Feilding.

Sir *William Dolben* remarked that the Revolution had been commemorated for these hundred years. If there had been no commemoration he should have been for appointing a day; but at present it was superfluous. If he might compare great things with small, it was like calling for papers when the same papers were on the table already.

Sir Wm.
Dolben.

Sir *Watkin Lewes* declared that he was the more astonished to perceive the bill opposed, because it was in the recollection of the House, that the meetings lately holden throughout the kingdom were tolerably general, to commemorate the blessings which they enjoyed in consequence of the Revolution, and to bear also in mind that they had experienced those blessings for upwards of a century. The Revolution had not only secured the Protestant religion, but established civil liberty, both which objects were highly deserving of commemoration.

Sir
Watkin
Lewes.

The House divided, Ayes, 28; Noes, 11.

The House then went into a Committee on the slave trade; and at length adjourned.

Monday, 22d June.

Mr. Dempster having moved, "that the House resolve itself into a Committee of the whole House, to take into consideration the present state of the British fisheries," and that the Speaker do for that purpose leave the chair,

The motion was agreed to, and Sir James Johnstone took his seat at the table.

Mr. Dempster. Mr. Dempster again rising, desired that he might be permitted to suggest some alterations to be made in the laws in being, for the preservation and encouragement of the British fisheries. The acts to which he alluded were the 25th and 26th of the present King. His first intention had been to propose, that the persons employed in salting cod, ling, and other fish, caught in the Northern seas, do use the said salt free of duty; but understanding that such a proposition would be opposed on the part of the revenue by those whose duty it was to watch over the annual income of the kingdom, and from other quarters, and being too old to engage in any parliamentary controversy, which was likely to occasion much trouble, he had abandoned that idea. The first proposition which he should offer, therefore, was, that the herring busses, as soon as their cargo might be complete, whether by catching or purchase, should be allowed to come into port, discharge their cargoes, and go out again to obtain fresh freights. Mr. Dempster explained, that as the law stood, the herring busses were compelled to be out two or three months, and, when once returned, had not the liberty to sail again out of port till the next season; whereas, were his propositions adopted, an immense quantity of additional fish might be brought in and prepared for sale. He observed also, that there were boats, the property of poor persons, who caught the herrings out at sea, but not having either salt or casks, or capital enough to enable them to bring them into port, for the purpose of salting and curing them, were glad to dispose of them to the busses. Another alteration which he wished to propose was, that the bounties now payable to the owners of the vessels only, which caught and brought in the herrings, might be likewise payable to the freighters. Many industrious men were employed in the fishery, who, not being capable of purchasing vessels, were obliged to hire them of other people; but as the objects of the Legislature in granting a bounty was to encourage the fishery, these people surely deserved the bounty as much as the buss owners. The next alteration was, that vessels clearing out from a port in England, might be allowed to put

put into a port in the Highlands, and other parts of Scotland, in order to complete their number of hands. At present they were obliged to return to the same port from whence they had cleared out, or they could not receive any bounty; whereas, if the alteration were adopted, the capital of England would be added to the industry and skill of Scotland, and the vessels by calling at the Scotch ports would be enabled to provide themselves with a proper complement of seamen and provisions at a much cheaper rate than either could be obtained in England. Another desirable point was, that the vessels might enter their freight whenever and wherever they pleased. At present there was but one Custom House in Shetland, and, in strict conformity to the law, the vessels were obliged to go there and pay the duty, but, as a matter of favour, were allowed to enter them at other ports; he meant, therefore, that they should enjoy that as a right which was now granted as a matter of favour. Mr. Dempster, after stating that there were 2500 seamen employed in the British fisheries, and that, consequently, every mode which could tend to their encouragement was well worth the protection of the Legislature, concluded with moving, "that the Chairman be directed to bring in a bill, &c."

The *Marquis of Graham* remarked that although he was not fully informed upon the subject, the propositions of the honourable gentleman appeared to him to be, for the most part, advisable alterations of the laws respecting the British fisheries; to some parts of them, however, he saw ground of doubt, if not of objection, on revenue considerations, and their application to the defects stated. He rose, therefore, merely to have it understood, that by assenting to the motion for leave to bring in a bill, he, by no means, pledged himself to support it, if, upon mature consideration, any of its objects should appear to be either impracticable or impolitic.

Marq. of
Graham.

Mr. Chancellor *Pitt* observed that should the Committee bear the propositions more in detail, they would be better able to understand them correctly, and judge of their propriety; but, as there were, according to the honourable gentleman's plan, bounties to be given to people not entitled to them, as the law stood at present, he believed that a general motion for a bill was not the regular mode of proceeding; but that each of the honourable gentleman's ideas must be voted by distinct resolution. He advised the honourable gentleman, therefore, to move for the present, that the Chairman report progress, and ask leave to sit again, and to take another day for moving the resolutions.

Mr. Pitt.

Mr. *Dempster* acknowledged himself indebted to the right honourable gentleman for allowing the bill to be brought in, and

Mr.
Dempster.

and added, that he was ready to allow, that from the confused manner in which he had opened the proposed alterations, possibly he might not have made himself clearly understood; but that with regard to the bounties, he did not wish to create any new bounties, but merely to extend those already granted to ship-owners and to ship-freighters. It was sincerely his wish, that the subject might have a very serious and deliberate consideration, because he was convinced the more fully it was considered, the more the alterations which he had proposed would be found clear of objection.

The Chairman was then directed to report progress, and ask leave to sit again.

The order of the day for going into a Committee of the whole House, for a further consideration of the petitions relative to the slave trade being read, Sir William Dolben took his seat at the table, and counsel and witnesses were called to the bar.

At length, the House adjourned.

Tuesday, 23d June.

Sir Watkin Lewes presented two petitions against the tobacco regulation bill; and, after opening the allegations and prayer of each, moved, "That the petitioners (the merchants, manufacturers, and dealers in tobacco, of the city of London) be heard by their counsel against the principle of the bill on the second reading."

Lord North.

Lord North observed, that the prayer of the second petition applied to the object of the first, and the prayer of the first to the object of the second.

Mr. Pitt.

Mr. Chancellor Pitt remarked, that notwithstanding his sincere desire to secure, in favour of the petitioners, the right of being heard, in the most ample manner, upon every ground of objection which they could have to urge against the bill, he doubted whether they could be heard twice against it, and he suggested, that probably it would be more regular, and answer the end of the petitioners equally, if they were heard by their counsel before the Committee; but, in that case, the petition ought either not to be presented till the bill had been read a second time, or if then received, the motion should be, "That the petition lie upon the table," and when the bill had been read a second time, a new motion might be made, that the petitioners be heard before the Committee by their counsel.

Sir Watkin Lewes

Sir Watkin Lewes contended that the two petitions had clearly distinct and separate objects; the petitioners in one petition desired to be heard against the principle of the bill, and in the other against the clauses; and therefore the petitioners were entitled to be heard in both cases.

It

It was at length settled, that the petitioners be heard upon the first petition, (that against the principle of the bill) reserving their right to be heard against the clauses.

Mr. *Mitford* having premised that, upon a former occasion, he gave notice of an intention to move for permission to bring in "A bill to relieve, upon conditions, and under restrictions, persons called Protestant Catholic Dissenters, from certain penalties and disabilities, to which Papists, or persons professing the Popish religion, are by law subject," added, that not observing a right honourable gentleman (Mr. Pitt) in his place, he would postpone his motion till the next session. Yet, even for the present, it might be proper not to drop the subject, without remarking, that most of the laws in being against Roman Catholics were grounded on political principles, and had been introduced with a view to guard against the evil effects of the dangerous doctrines maintained by Papists, at a period when such doctrines, if enforced and unresisted, might have produced the most serious consequences to the Protestant succession: that an act passed in the reign of Queen Anne, professed to be a statute calculated to answer a political purpose, and no other: that the reason for guarding against the political prejudices of Roman Catholics was now no longer in existence; that men's minds were illumined, and their eyes opened; that, in consequence, they had become loyal and affectionate, and as zealously attached to the family on the throne as any other description of subjects; that they had evinced their zeal and fidelity in an eminent degree on a late memorable occasion, and that they wished to give the Legislature every test which a solemn appeal to the Deity could convey, of their allegiance to His Majesty, and of their protestation against the right of all pretenders to the throne, other than the descendants of the reigning family. The great object of the bill, Mr. Mitford explained to be, to draw the line of distinction between Papists and Protestant and Dissenting Catholics, and to grant to the latter the same sort of relief in matters of religious opinion and ceremony, which was at present enjoyed by Protestant Dissenters of all other descriptions.

Mr.
Mitford.

Mr. Alderman Newnham moved, "That the order of the day for the Committee on the farther consideration of the petitions against the abolition of the slave trade be discharged."

Mr. Hufsey seconded this motion.

Mr. *Wilberforce* said, that he was far from being averse to a concurrence with the motion, provided that an amendment was made to manifest the intention of the House to resume the consideration of the said petitions soon after the commencement of the ensuing session.

When

When strangers were permitted to enter the gallery, the question was altered, and

Mr. Fox. Mr. *Fox* remarked, that the question of the abolition of the slave trade, was a question between humanity on the one side, and interest on the other. Nothing could be more disgraceful than for that House to decide against the abolition from principles of interest, unless they had the courage positively to affirm, that interest was their motive. For his own part, he was not a little inclined to adopt an opinion just suggested by a right honourable gentleman, that a Committee above stairs was a much more fit Committee for the purpose of examining witnesses, and of receiving evidence, than a Committee of the whole House.

Mr. Martham. Mr. *Martham* observed, that it was impossible for him to hear, without a comment, the not less singular than groundless declaration of the right honourable gentleman, that the question of the abolition of the slave trade was a question of humanity on the one hand, and of interest on the other. The West-India merchants and planters, he was persuaded, were as much men of humanity as any other description of men whatever, and if they could be convinced that it would be for the interest of the Public that the slave trade should be abolished, they would as cordially concur in its abolition as any gentleman in that House, who had expressed himself most anxious to attain that object.

The Speaker read the question, "That the said order be discharged."

Mr. Rolle. Mr. *Rolle* wished the subject to be fairly and fully investigated, and that the evidence might be maturely considered before gentlemen gave their opinions. This was, Mr. *Rolle* said, the desire of his constituents, and therefore he should give his consent to the motion. He hoped, however, that in the interim between the end of the present and the commencement of the next session of Parliament, care would be taken to sound foreign Courts upon the subject, and to learn how they stood affected towards the abolition of the slave trade.

Mr. W. Smith. Mr. *William Smith* (Member for Sudbury) agreed with the honourable Member on the floor, that it was not a question of humanity on the one hand, and interest on the other, because before it was brought to a decision, he had no doubt, but that the House would be convinced it was as much for the interest of the Public as for the interest of humanity, that the trade should be abolished, and that the West-Indian planters themselves would find it to be their interest as much as that of any other description of persons. Mr. *Smith* added, that although he was anxious to have the question brought to an issue, he saw it was impossible that it should be decided that

that session; but he had not yet heard any good reason why the examination of witnesses might not be carried on for some weeks longer. It was said, and indeed known, that the hearing of evidence was confined to a few Members only; if those few, therefore, were willing to give up their time a little longer, why should any other Members complain of an inconvenience, in the suffering of which they took no share? Mr. Smith thought that by persevering in the examination of witnesses for a few weeks, the question, as far as the African trade was concerned, might be gone through, previously to the conclusion of the present session.

Mr. *Hussey* observed, that it undoubtedly was neither a question of humanity nor of interest, but he hoped the House would consider it as a question of justice. Mr. Hussey.

The question was then put and carried.

Mr. Alderman Newnham immediately moved, "That this House will, early in the next session of Parliament, proceed to take the matter of the said petition into consideration."

The motion passed unanimously.

Mr. *Gascoyne* observed, that he should be happy to receive intelligence from an honourable Baronet, whom he did not see in his place, but imagined he was too attentive to his duty not to be present, whether he meant to move for a renewal of the Middle-passage regulating bill, in the same form in which it had passed during the course of the preceding session, or whether he meant to propose any alterations? If the honourable Baronet meant only to revive the bill as it stood at present, it would release several of his constituents, who had been some time detained in town, and allow them to return on their private affairs to Liverpool. Mr. Gascoyne.

Sir *William Dolben* answered, that he meant to move for leave to bring in a bill for continuing the existing statute; and that if any gentleman would give himself the trouble of looking over the act of Parliament, he would see that some alterations were absolutely necessary. Those alterations he certainly should propose; but he did not conceive that they were of material consequence, or such as could occasion any opposition on the part of the honourable gentleman, or his noble colleague. Sir William concluded, with moving for leave to bring in a bill to continue and amend "An act to regulate, for a limited time, the carrying of slaves in British vessels from the coast of Africa." Sir Wm. Dolben.

Lord *Penrhyn* trusted that he should not be guilty of an impropriety, if he intreated the honourable Baronet briefly to state the nature of his intended alterations. Lord Penrhyn.

Sir *William Dolben* begged the noble Lord's pardon, but he conceived that the present was not the proper stage of the

business for him to go into a public detail of the amendments which he should propose in the bill. When that stage should arrive, he would state them fully. In the mean time, when he should have the pleasure of the conversation of the noble Lord or his colleague, he would freely communicate the nature of the alterations which he thought it incumbent on him to propose.

The motion was agreed to.

The House went into a Committee of the whole House on the Gardeners bill, to make destroying trees, plants, and shrubs, at any time, whether by day or by night, felony, (Sir Joseph Mawbey in the chair) when

Mr. Mainwaring. Mr. *Mainwaring* advised filling up the blank in the first clause, with the words "five shillings."

Mr. I. H. Browne. Mr. *Isaac Hawkins Browne* opposed it, declaring that he had a strong objection to increasing the number of transportable offences. That as it was possible that transportation might be the punishment applied upon a conviction for robbing a garden or shrubbery, he thought that the degree of the punishment too far exceeded the proportion of the offence. Mr. Browne said, that sentence of transportation was at present enforced at a great expence, and under circumstances of peculiar difficulty, even where the enforcement of it was in the highest degree necessary and proper.

Mr. Mainwaring. Mr. *Mainwaring* answered, that he could not hear, without astonishment, the honourable gentleman's objection, as the part of the bill they were then upon, was the law as it stood at present, and not any new provision. Mr. Mainwaring added, that possibly the honourable gentleman was not aware that the bill had been twice fully debated, and divided upon, and that on one division there had been four to one, and, on the other division, five to one of a majority, in favour of the bill.

Attorney General. The *Attorney General* again repeated, that property to so very considerable an amount as sixty thousand pounds remained unprotected by law within the vicinity of the metropolis; and that, as the law stood, the penalty being no more than a fine of forty shillings, it operated as an inducement to rob gardens, and was considered as merely paying forty shillings for a licence to legalize the plunder of gardeners' grounds to any amount, however indefinite. Mr. Attorney General stated the infinite mischiefs which might be done, with a degree of impunity, in nurseries and shrubberies, and the crying call which existed for some additional legal preventive. He explained why, on motives of humanity, they had not deemed the offence a petty larceny, and stated to what an extent the mischief might be carried.

Mr. *Wigley* applauded the humane motives of the opposers of the bill, but argued in behalf of the necessity of making the robbery of gardens, in certain cases, liable to transportation. Mr. *Wigley* contended, that there ought to be no difference in the degree of punishment applied to the conviction of having taken away any plant attached to the soil, or any plant detached from it; and yet, as the law stood, the person who took away a withered myrtle in a pot, was liable to be convicted of felony, while he who tore up the most valuable shrub from the soil, could only be convicted in the penalty of forty shillings, or sued for a trespass.

Mr.
Wigley.

Mr. *Hussey* observed, that if, according to the statement of an honourable and learned gentleman, there was to the amount of sixty thousand pounds worth of property unprotected in garden grounds near London, it was plain, that this species of property had prospered, in a most successful manner, without any sort of legal protection, and therefore it was fair to conclude, that the owners could afford the expence of proper guards and watchmen to defend it against all depredations.

Mr.
Hussey.

Sir *James Johnstone* could not, as a man of humanity, in his conscience, vote that his fellow-creatures should be transported for a trifling robbery of a garden. If a penalty of 40s. was inadequate, let it be raised to 5l. 10l. 50l. or even an hundred, if it were deemed necessary, but let not such a trivial offence be deemed worthy of so severe a punishment as transportation.

Mr. *Powney* urged the necessity of preserving transportation among the possible punishments authorized by the bill. He stated that men committed burglaries, or stole horses, to answer some obvious necessity, but that they often wantonly despoiled gardens to a considerable amount, and in seven minutes, destroyed trees and shrubs, which had been seven years growing.

Mr.
Powney.

The sum deemed transportable, was increased to ten shillings, and the bill to take place on the first of August.

A new clause was moved by Mr. *Mainwaring*, and the Chairman was directed to report progress, and ask leave to sit again.

The House adjourned.

Wednesday, 24th June.

The order of the day for the second reading of the tobacco regulation bill having been read, and the said bill having been read a second time, it was moved, "That the bill be committed."

Mr. *Alderman Sawbridge* observed that, for his own part, he was resolved to oppose the bill in the first instance, as an

Mr. Ald.
Sawbridge

extension of the excise laws, which held out that principle so odious to Englishmen, and so inimical to freedom, as a power of conviction without trial by jury. The Alderman reminded the House, that at the time that they were enacting a law for the religious commemoration of the Revolution, they were striking at the very root of popular freedom, and destroying, by a deadly blow, those very blessings which had been derived from that Revolution, of which they were preparing to establish the commemoration. Mr. Sawbridge observed, that the excise laws had always been particularly offensive in this country, because they took away that best right of Englishmen, a trial by jury; he should, therefore, think it his duty on this, and on every other occasion, to resist their extension, and should in that early stage of the bill, vote against the question.

Sir Wat- Sir *Watkin Lewes* said, that he had, that day, met the ci-
kin Lewes tizens of London in the Common Hall, in full assembly, when they had thought proper to instruct their representatives in Parliament to oppose the bill. It was not only a duty which he owed his constituents, but he felt it a duty which he owed to the Public at large, to prevent the odious extension of the excise laws; laws so oppressive in their own nature, as justly to excite the jealousy of the Public. The Chancellor of the Exchequer had submitted a bill to their consideration to prevent frauds and illicit practices in the importation of tobacco, and to secure the revenue; but if any other could be suggested, so as to secure the revenue, and prove less exceptionable than that proposed by the right honourable gentleman, he hoped that the House would agree with him that it ought to be adopted in preference to the odious extension of the excise laws. The gentlemen who composed the Committee were some of the most respectable merchants in the city of London, as well as other eminent and worthy merchants from other places, upon whom no imputation rested; and those gentlemen state that it is impracticable for the excise laws to attach upon the manufacturer in the manner proposed by the bill, without transferring the trade to foreign countries. The gentlemen have been charged with acting in a hostile manner; but he begged leave to appeal to the Chancellor of the Exchequer himself, if they did not propose a plan to prevent fraud and the securing the revenue? If that was the case, those gentlemen stood in an honourable point of view; they wished it to be tried as an experiment, and if it did not succeed, they would not have an objection to his own plan; but Sir Watkin said, he had a very serious objection; for, no compensation could be made for depriving the subject of his birth-right, the trial by jury; he therefore took that opportunity of
of

of protesting, in the first instance, against the principle of the bill, which was the extension of the excise laws. He added, that the same experiment might be made, which was upon gin and brandy, in reducing the duty; that plan proved successful, and had more than answered the most sanguine expectation; the very high duties on the importation of tobacco would continue to be a temptation to the smuggler; and no bill, with ever so severe clauses, and these rigorously executed, which the fair trader must feel extremely oppressive, would prevent the smuggler, as long as the temptation remained, from persevering in his illicit practices.

Mr. Alderman *Newnham* declared, that the present bill was so odious, that he was persuaded if there had been a full House, and gentlemen had been indulged with time to consult and collect the sense of their constituents, a considerable majority of the House would vote against it. He lamented that a bill of so much importance should be agitated at all in so thin a House. It was a subject which required very mature consideration, and though he certainly did not expect that his remarks would make any great impression on the House, he hoped the right honourable gentleman would have the candor not to push the bill through the House with that indecent haste which he had hitherto adopted, the second reading following the first so rapidly, and the Committee being intended, as he understood, for the next day, although the bill was just only read for the second time. The counsel for the petitioners were by no means prepared, and had informed him that they were not sufficiently instructed. No doubt, by sitting up all night, they would be able the next day, to use some arguments well worthy the attention of the House; but that House ought not to be taken by surprise, as it were, respecting a bill of so much importance; neither did it become the right honourable gentleman's candor to precipitate the bill in that manner. It would look as if he was afraid to meet a fair discussion on the subject, and as if, from a consciousness that his argument was not so good as he had stated it to be on his opening, he wished to cram the bill down the throats of gentlemen, before they had time to examine its contents, or look into its probable consequences.

Sir *Benjamin Hammet* expressed his disapprobation of the Excise laws in general, the application of which was more oppressive and tyrannical than their principle was unconstitutional. He believed that there were no gentlemen in that House who would say fairly, that the King's officers, nominated by His Majesty, and dismissed at His Majesty's discretion, were the proper people to judge between the Sovereign and the subject on questions of revenue. He wished most heartily that an appeal to a jury were allowed in the first instance;

Ald.
Newnham

Sir Benj.
Hammet,

instance; he had been assured that some of the Commissioners of Excise themselves thought it would be of no bad consequence if such an appeal were permitted. If the right honourable gentleman, therefore, wished to immortalize his name, and to stand distinguished as having rendered the most essential services to his country, the granting such an appeal would produce such an effect. But, if the right honourable gentleman did not think proper to allow of such an appeal, he should think it his duty to oppose the bill.

Mr. Sam. Smith. *Mr. Samuel Smith* (Member for Worcester) observed, that whilst he considered the strong pressure of the immense load already cast upon the country, he was not ready to go the full length of professing himself a general enemy to all extensions of the Excise laws; knowing the necessity for rendering the existing taxes efficient, and that the Excise laws were among the most efficacious modes of collecting the public revenues, they certainly must, in some cases, be extended and applied; but then they ought, in his mind, never to be applied unnecessarily, or whenever they could not be enforced without great oppression and vexation to the subject. Mr. Smith expatiated on the inconveniences that would result to the tobacco trade, and to the snuff manufacturers in particular, if they were subjected to the perpetual presence of Excise officers. He asked, why were officers of that description to be let into all the secrets of the manufacture? As far as he had learnt from the tobacco traders, the extension of the Excise laws in this instance was inapplicable, and would not answer the object of obtaining an increase of the revenue.

Mr. Ald. Watson. *Mr. Alderman Watson* represented tobacco as an article in the importation of which there were frauds committed from 300,000*l.* to 500,000*l.* a year, consequently before new burthens were imposed on the people, the endeavouring to render the tobacco duties efficient was well deserving the attention of the right honourable Chancellor of the Exchequer and of that House. But though he most perfectly accorded with that idea, he objected to the mode in which, in the present instance, the Excise laws were about to be extended. He was one of those who thought we might pay too dearly even for revenue. He knew the revenue had been greatly benefited by lowering the duties on tea, and most probably a similar event would have followed had the duties on tobacco been lowered. With regard to the taking away the right of trial by jury, it was considered as a great instance of tyranny and oppression, and he hoped the time was not far distant, when he should see in every bill enacting, that the Excise laws be put in force, a clause giving the subject an appeal to a jury. Till he did find such a clause he should hold himself bound to oppose every extension of the Excise laws. With regard to a re-
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fection which had been cast on the right honourable gentleman, as if he intended a general extension of the Excise laws, with a view to strike at the root of the Constitution, he thought too highly of his good sense to believe it; but, as an independent Member of Parliament, he had a right to express his disapprobation of any measure that might be brought forward. He had received, in the present instance, the instructions of his constituents to oppose the bill; but it was well known that he did not hold that Members of Parliament ought, in all instances, implicitly to follow the instructions of their constituents; yet, in the case immediately before him, their orders and his private opinion were perfectly congenial.

Mr. *Sheridan* observed that he should not so far trespass upon the patience of the House as needlessly to prolong the debate, if that could be called a debate, where objections only were offered from one side, and not one word of answer was given on the other. He rose merely to make a single remark, which was, that if the bill were committed for the next day, whatever time might have been given to the tobacco traders and manufacturers to comprehend the clauses of the bill, parliamentarily speaking, no time had been allowed to the Members of that House to understand it. The bill had been brought in only two days ago, and printed for delivery that day; it consisted of one hundred and twenty-five pages, and no gentleman could, at a glance, comprehend the various bearings of a bill so important in its nature, and so complicated and extensive in its detail. Before it came into a Committee, the Members of that House had a right to consider it, in all parts, to consult the manufacturers in person, and to acquire a competent knowledge of the entire subject. The right honourable gentleman had boasted of his having seen and conversed with the tobacco manufacturers of Scotland, London, and other places. If he thought such communications absolutely necessary, before he held himself justified to state the principle and object of the bill to the House, why should not the Members of that House be allowed time for equal preparation, and for the acquisition of the same extent of intelligence? Mr. *Sheridan*, therefore, hoped that the right honourable gentleman would not so hastily push on the bill, but, that having had it read a second time that day, he would not press for the Committee upon the ensuing day, but would give time for the Petitioners to prepare their counsel, and to bring up their witnesses, who were now upon the road.

Mr. *Chancellor Pitt* said that with regard to the observation of the honourable gentleman who spoke last, that not a word had been said in reply to the objections stated against the bill, the Speaker, he doubted not, would do him the justice to admit

Mr:
Sheridan.

Mr. Pitt.

admit that he was about to rise, when observing a worthy and very respectable Magistrate (Alderman Watson) on his legs, he had forborne to call for the attention of the House. With respect to what had been urged, gentlemen had not entered into argument, but had merely made their protests against the bill. All that had been advanced went rather to the clauses of the bill than the principle, and as no gentleman intimated an intention of dividing the House upon the former, it was needless for him to expatiate concerning it. As little reason was there for his entering into a discussion of the clauses, which would more properly come under consideration in the Committee. It would prove a little extraordinary if any objection were made to the principle of the bill; for what was the principle? A worthy Magistrate had stated that the frauds committed on the revenue in the article of tobacco, amounted to no less a sum than from 300,000l. to 500,000l., and the object of the bill was, to endeavour to recover the greater part of that sum, by means of the Excise laws, and by accommodating them to that article, which was universally admitted to be a fit article of taxation. To such a principle, the friends of the public credit and of the public safety, could not surely be inclined to object. The worthy Magistrate over the way, and the honourable gentleman who spoke last, had said, they thought that he wished to shrink from discussion, and to avoid it by precipitating the bill through the Committee. From such an imputation he should appeal to the sober sense of the House, and ask them, when it was considered that counsel were to be heard, and witnesses examined, and that consequently there was not a probability of their doing more than hear them in part the next day; whether his being anxious to commence an enquiry into the subject in the most circumstantial and regular manner looked like a wish to avoid its fair discussion? With regard to the honourable gentleman's intimation, that it was necessary for him to run about the town to converse with the manufacturers of tobacco, if he really was in earnest, and seriously wished to learn information from them, the best mode of his obtaining it would be for him to attend his duty in that House the next day, and listen attentively to the arguments and the evidence.

The question having been put and agreed to, that the bill be committed to the Committee of the whole House, on the question "that the bill be committed for this day,"

Mr. Ald. Newnham Mr. Alderman *Newnham* called on the Chancellor of the Exchequer to postpone the Committee to a later day, and recommended Monday. He defied any man in that House, the right honourable gentleman, and his particular friends in office alone excepted, to stand up and say, that he had read the

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the bill, and he urged that circumstance alone, as so strong a reason for postponing the Committee, that he should propose to take the sense of the House upon it.

Mr. Alderman *Watson* said that the tobacco manufacturers, Mr. Ald. who were deeply interested in the bill, had stated, that it was *Watson*. material to them to have farther time for preparation, and therefore he should vote against committing the bill for this day.

Mr. *Sheridan* observed (in answer to Mr. Pitt) that he had *Mr.* said it was necessary to go into the Committee for the purpose *Sheridan*. of enquiry, whereas he must know that if the Members of that House were not allowed time to read and understand the bill before they went into a Committee, the enquiry would answer no purpose whatever. Whether they were to run about the town after the tobacco manufacturers, as the right honourable gentleman had chosen to call it, was another matter. But since he had risen last, the worthy Magistrate behind him had added another and a very strong objection, and this was no less than a defiance of any Member of that House, a particular description of it only excepted, to stand up and declare that he had read the bill. Surely this was an unanswerable argument against precipitation.

Mr. Chancellor *Pitt* answered that with regard to the ho- *Mr. Pitt*, nourable gentleman's argument of Members not being prepared, the best way would be to attend the Committee. With respect to the witnesses of the manufacturers being upon the road, the manufacturers of London had originated the opposition to the bill, and would, most probably, produce the evidence they wished to have examined; and of their intention to oppose the bill, they had, by public advertisement in almost every newspaper, given notice for full three weeks. He hoped that gentlemen would attend the Committee, whatever inconvenience to themselves it might occasion, and indeed when the advanced period of the session was considered he should think it trifling with the convenience of the House, by delaying the going into the Committee with the bill a moment longer than was necessary.

Mr. *Sheridan* replied that with regard to the convenience of *Mr.* the House, he thought the right honourable gentleman would *Sheridan*. consult it more by giving time for Members to understand the bill. Mr. *Sheridan* was proceeding to answer Mr. Pitt, when he was desired by the Chair to confine himself strictly to explanation. Mr. *Sheridan* then said that the right honourable gentleman had attempted to ridicule his explanation, to which, in explanation, he wished to state, that the right honourable gentleman's argument was perfectly ridiculous. Here a great part of the House laughed] Mr. *Sheridan* resumed his argument once more, and the House calling Chair! Chair!

Chair ! in which cry Mr. Pitt joined, and the Speaker there-upon again desiring that Mr. Sheridan would confine himself to explanation, and Mr. Sheridan answered that he would take care that in future the right honourable gentleman should be as strictly confined to explanation, when he spoke a second time, as he had been. Mr. Pitt bowed and sat down.

Mr. Rolle. Mr. *Rolle* observed that the parties concerned were no strangers to the bill, because the smugglers, upon the coast of the county which he had the honour to represent, had been told by the manufacturers of tobacco that there must be an end of their connection; for they could receive no more of that article from them.

The bill was then ordered to be committed for the morrow.

The House adjourned.

Thursday, 25th June.

Mr. Sheridan Mr. *Sheridan*, adverting to the case of the Royal Scotch Burghs, begged leave to remind the House that the bill for the bringing in of which he designed to move was precisely of that nature which the House had given leave to have introduced in a former session of Parliament; and as he understood there was no objection to the principle of it, and that those who meant to oppose the bill, intended to make their stand at the second reading, it was unnecessary for him to trouble the House with more than a very few words, just to state that the conduct of the town councils of the several Royal Burghs of Scotland, as it now prevailed, was not more contradictory to their original charter than repugnant to every one of those principles of justice and propriety to which men in the discharge of a delegated trust ought strictly to adhere. On the second reading of the bill he would fully state the objects of it, and the reasons why the means of attaining those objects which the bill provided, were by him deemed such as the House ought to adopt; for the present he considered it as sufficient to move

“ That leave be given to bring in a bill for regulating the internal government of the Royal Burghs in Scotland.”

Mr. Dundas. Mr. *Dundas* remarked that, reserving himself for a future opportunity, he should now only declare that whenever the honourable gentleman came forward with his reasons for thinking the bill adviseable, and that it was becoming by one short clause to pronounce upon the constitutions of the Royal Burghs of Scotland, which had continued uninterruptedly ever since the year 1400, as what ought not to continue, he would be ready to assign his reasons for differing totally in opinion from the honourable gentleman upon the subject.

He hoped, therefore, that the honourable gentleman would name a precise day for the second reading, and keep to that day when he had named it, that the bill might not be kept hanging in the wind as a matter *in terrorem*.

Mr *Sheridan* answered that the right honourable and learned gentleman had no occasion to be in so very great a hurry, because he ought to recollect that they had waited a good while for him, while he was canvassing in Scotland. Mr. Sheridan.

Mr. Chancellor *Pitt* desired permission to explain to the House the misconception which had taken place between the gentlemen who subscribed for the tontine (or bill of survivorship) and himself, relative to the commencement of the interest that the tontine was to bear. After going through the circumstances of the error, he assigned his reasons for thinking that the subscribers having made their bargain upon the idea that the whole interest was to commence from the fifth of July, had a reasonable claim upon government to have it so made good to them; he, therefore, moved for an instruction, "That the interest, after the rate of 4 per cent on " 1,002,500l., do commence on the fifth day of July, 1789." Mr. Pitt.

This occasioned a conversation on the subject between Mr. Hufsey, Mr. Chancellor Pitt, Mr. Francis, Mr. Rose, and Mr. Sheridan.

Mr. *Dempster* thought the proposal as meant originally by the Chancellor of the Exchequer, a fair one, and that the subscribers might, if they chose it, recede from their bargain. Mr. Dempster.

Mr. Chancellor *Pitt* mentioned the payment on the several instalments which had been made, and after defending his bargain, observed that he, at the same time thought it better to give up something from the public, than not appear to have kept good faith with the subscribers; and it was evident from their own notes and calculations, taken at the time of making the bargain, that they had actually conducted their part of the bargain on the principle, which they maintained to have been, what they understood to be the ground of the whole.

Mr. *Hufsey* remarked that if they fairly understood such to have been their bargain, notwithstanding that it had turned out to be advantageous, the subscribers ought to have their bargain made good to them, consistently with what they had supposed to be its nature. Mr. Hufsey.

Mr. *Drake* hoped that greater care would be taken hereafter, and that all future bargains might be more explicitly and specifically settled. Mr. Drake.

Mr. *Sheridan* desired to be informed from what source it was intended to make good the deduction occasioned by the sum so given to the subscribers out of the ways and means? Mr. Sheridan.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that the taxes taken to pay the interests of the money borrowed, would yield more than the ten thousand pounds surplus.

The instruction was voted.

Mr. Beaufoy moved the order of the day, for going into a Committee on the Revolution Commemoration Bill, and stated, that in the Committee, he should move for the Commemoration to take place on the Sunday preceding the 16th of December. Sir Henry Hoghton took his seat at the table.

Mr. Hufsey. Mr. *Hufsey* observed, that if he saw the bill in its true light, it had been introduced for the purpose of deeply imprinting upon the minds of the people the glorious exertions of those who had effected the Revolution, and the rights and liberties which had been secured to the nation by that important event, and thereby inducing them to watch carefully over the preservation of those rights and liberties, so that they might descend unimpaired and entire to posterity. The bill consisted of a very long preamble, and only two enacting clauses, the objects of which were to appoint a general thanksgiving, in commemoration of the Revolution, and to oblige Ministers to read the bill over to their congregations on every Sunday, preceding the 26th of December. On this occasion, he should beg leave to propose an alteration in the preamble, with a view the better to carry the object of the bill into effect, if that which he had described was, as he believed it to be, the true object of it. As the preamble stood at present, the words were, "And whereas these blessings have been effected under the protection of Almighty God," he wished to insert a few words, so that the sentence might read as follows: "Whereas these blessings have been effected by the virtuous efforts of our ancestors, under the protection of Almighty God, &c." In justification of this amendment, Mr. Hufsey observed, that it was surely political to hold out to the people, all that happened to men was the consequence of their actions, and to hold out at the same time, that virtuous actions were favoured by Providence. This would induce the people to take care, that by their own negligent or imprudent conduct, they did not forfeit those essential advantages which the wise and virtuous conduct of their ancestors had obtained for them. Another alteration which he should propose was, that there should be no settled form of prayer, but that the bill should be read immediately before the general thanksgiving in all churches and chapels, &c. and that it should be read, as the honourable gentleman who introduced the bill had suggested, on the Sunday preceding the 16th of December, when the 16th of December did not fall on a Sunday.

Mr.

Mr. *Pye* said, if the Revolution must be specially commemorated, he should think the 5th of November, when a part of the service of the day referred to it, would be the fittest time for it.

Sir *Joseph Mawbey* remarked, that he was not in the House, Sir *Joseph* on a former day, when debates had arisen on the bill then *Mawbey*. before the Committee; but though as firm a friend to the Revolution as any man in that House, and though he entertained as grateful a sense of the blessings that had followed from it, he could not, upon considering the circumstances that had led to its introduction, but think it an improper bill to be entertained. The facts to which he alluded, Sir *Joseph* said, had been these: a particular political party had thought it right to publish proposals for erecting a column in honour of the Revolution; another political party, who had been a Committee on the Westminster election, had felt jealous at this, and had said to themselves, "We will not subscribe " to their column in honour of the Revolution, but we will " have a plan of our own to commemorate it." Thence the present bill. Had the original intention of it been adhered to, that of making a new holiday, and enforcing a given day of the year in commemoration of the Revolution, he should have been most decidedly against it; because a day of thanksgiving was, to common people, who were thereby taken from their labour and honest industry, a day of profligacy and idleness. They hurried away to the alehouse, and spent the time in drunkenness, cursing and swearing, and all manner of debauchery. But, he now understood that it was to be observed on a Sunday, and the act was to be read over in every church and chapel. That was, in his opinion, on more grounds than one, highly objectionable. Let it be considered, in particular, what a burden it laid upon that description of humble curates, of whom there were unfortunately but too many, who had to serve three or four churches on a Sunday. Those poor parsons were to undergo the trouble of reading the bill three or four times over in one day, whereas they were sufficiently fatigued already. In fact, the whole business originated in a race for popularity between two parties; the one a set of gentlemen with buff waistcoats, the other with red capes to their coats, who thought the Revolution a favourable instrument to seize upon, and were trying which should obtain the most popularity by manifesting their zeal and attachment to that event. Of the two, he thought the plan of erecting a column the most eligible. There was something to feast the eye, something grand and ornamental in it; but, upon the whole, he conceived that it did not become that House, seriously and gravely, to proceed to pass a law, laying an irksome burden upon

upon poor parsons, merely because two political parties chose to run a race for popularity. In objecting to the bill, he trusted that as the whole tenor of his political life had proved the contrary, no person who heard him would think him less sincerely a friend to the Revolution than any one of the most zealous advocates for either of the two plans.

Mr. I. H. Browne. *Mr. Isaac Hawkins Browne* thought that period, of all others, the most seasonable, for seriously and soberly establishing a religious commemoration of the Revolution, when two contending parties were running a race of popularity, and anxiously endeavouring which should most effectually manifest their zealous attachment and veneration for that important event, from which consequences of the most invaluable nature to every friend of civil liberty had arisen. They certainly could not take a better time for the establishment of such a commemoration than the present; and it was to be considered not as calculated to answer a party purpose, as most of the thanksgiving services were, but as a grand national object. With regard to what had fallen from an honourable gentleman, relative to an alteration of the preamble of the bill, he very much approved of the principle of the proposed amendment, but he thought the manner of it might be improved; if instead of "the virtuous efforts of our ancestors under the protection of Almighty God," it were to run "the blessings of Almighty God, or of Divine Providence, upon the virtuous efforts of our ancestors," he conceived the construction of the sentence would be more proper, and the two principles which they most wished to inculcate, the principles of liberty and piety, would be more strongly enforced. Mr. Brown entered into an argument to prove that as the practices of the Church of England and of the Church of Scotland, in the performance of religious worship, were different, the Ministers of the latter always preaching and praying extempore, and those of the former according to an authorized form, a set form of thanksgiving prayer should be drawn up for the Church of England Ministers; and the Scotch Ministers, according to the usage of the Kirk, be left to pray upon the subject at their own discretion. He coincided in opinion, that it was better to celebrate the commemoration of the Revolution on a Sunday, than on any other day; and he thought the fit time of the service to read the act of Parliament would be after the Nicene Creed.

Mr. Sheridan. *Mr. Sheridan* agreed completely with the honourable gentleman, that the fittest time to establish a commemoration of the Revolution was, when parties, otherwise opposite, concurred in endeavouring which should best commemorate that important event; but he differed from the worthy Baronet

in one respect, because, so far from thinking the gentlemen on the other side would not subscribe to their column, they reckoned on their subscribing largely, as they were ready to subscribe to their thanksgiving; but from what the honourable Baronet had said in favour of their column plan, should there be a deficiency, they had now learnt that they might look up to him for large resources. With regard to the trouble the bill would give the parsons, when it was considered how essentially benefited the Church had been by the Revolution, it surely could not be improper to oblige the ministers of it once a year to put themselves, as well as their congregations, in mind of that event, from which the Church had derived such very important advantages. As to whether the wording of the preamble should stand, as the amendment had been first proposed by an honourable gentleman near him, or whether it should run "That God's providence upon the virtuous efforts of our ancestors, &c. &c." Mr. Sheridan said, appeared to him to be a matter of immaterial signification; and the contending about so very a trifle, reminded him, if it were not thought too ludicrous a comparison for the occasion, of what Dogberry said in Shakespeare's play of "Much Ado about Nothing," when in the examination of Conrade and Borachio, he says, "Write God first; for God defend, but God should go before such villains."

The Committee then proceeded to fill up the blanks, when some farther conversation followed about the period of the service, at which the Commemoration should be introduced.

Sir *William Dolben* corroborated what Sir Joseph Mawbey Sir Wm. Dolben. had said, relative to the poor curates, and declared, they were as fit objects of a subscription as the Commemoration of the Revolution, either by a column, or a special day of thanksgiving. But, as to the introduction of the Commemoration, he thought at the end of the service, and before the sermon, would be the proper place to introduce it.

It was settled, that in the Church of England, the bill should be read over before the sermon, and in the Kirk of Scotland, at the end of the blessing.

Having gone through the bill, Sir Henry Hoghton was directed to report it on the ensuing Monday.

The order of the day being read for going into a Committee on the Tobacco Regulation Bill, Mr. Burges took his seat at the table, and the Committee proceeded to hear counsel in support of the petition against the bill, from the merchants, manufacturers, and dealers in tobacco and snuff, of the city of London.

The House was at length resumed, and adjourned.

Friday,

Friday, 26th June.

Mr. Sheridan brought in his bill for regulating the Royal Scotch boroughs, which was read a first time, and upon motion ordered to be read a second time,

Sir James Johnstone Sir *James Johnstone* declaring that much reform was wanted in Scotland, and in a variety of particulars that reform which the bill held out was needless; and therefore, unless the honourable gentleman would say, that he introduced the bill merely to amuse the House, and did not mean seriously to urge it, he would count the House.

Mr. Sheridan. Mr. *Sheridan* assured the honourable Baronet, that he had not brought in the bill merely to amuse the House, but with a serious intention of endeavouring to get it passed into a law. He hoped, therefore, that the honourable Baronet would not put an end to it, and interrupt the other important business of the day, by counting the House. If the worthy Baronet could prove that the grievance complained of did not exist, let him come to the point, and do so on the second reading. The petitioners for the bill were ready to prove every fact which the bill stated as an existing evil.

Sir James Johnstone Sir *James Johnstone* answered, that he understood it was not genteel to put an end to a bill in the way that he had proposed, and therefore the honourable gentleman might continue to amuse himself and the House with the bill some few days longer.

The order of the day having been read for going into a Committee to hear farther evidence in behalf of the petitions against the Tobacco Regulation Bill,

Mr. Sheridan. Mr. *Sheridan* observed that, considering the greatness of the subject, it was extremely to be lamented, that it had been brought forward so near the close of the session, when unfortunately so much of the essential business of the session was before the House. In so thin a House, the bill could not meet the attention which its importance deserved, and therefore, as gentlemen did not like the trouble of attendance to hear the examination of the witnesses, he wished that the right honourable gentleman (Mr. Pitt) would allow the evidence of each day to be printed, day by day, that the Members of the House might have an opportunity of knowing what passed, and enable themselves fully to understand the subject, before it became necessary to vote upon it.

Mr. Pitt. Mr. Chancellor *Pitt* admitted, that it would be exceedingly idle to attempt to pass a bill of such importance to the revenue, without endeavouring at least to have it perfectly understood. He had some doubt, however, as to the propriety of printing the evidence, day by day, because, as a good deal of new light was frequently obtained by cross-examination,

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it would not convey any complete information to the Members, if the evidence of the witnesses were printed before they had been cross examined. He had no objection to printing the evidence as fast as the examination of each witness was concluded, or so as to give very sufficient time for gentlemen to make themselves masters of it, before the report was made.

Mr. *Sheridan* answered, that the right honourable gentleman's mode of printing the evidence would equally satisfy him. Mr. Sheridan.

Some evidences having been examined, the House adjourned.

Monday, 29th June.

On putting the question, moved by Mr. Pulteney, in consequence of the illness of some Members of the Committee, "That the Committee have leave to adjourn to Wednesday,"

Mr. *Adam* begged leave to call the attention of the House to the spirit and purview of the act of Parliament, which provided, that the Committee might still continue to sit, in discharge of their duty, if not more than four of its Members were absent, in consequence of indisposition. This proved, that it was meant that a Committee should never consist of less than eleven, and that it was so ordered, that the duty of the Committees might be conducted with sufficient convenience to the several parties. A strong case ought, therefore, to be made out, before permission to adjourn was granted after four Members had been absent through indisposition. In the present instance, from what the House had heard, he thought an adjournment to Wednesday necessary; but he had thrown out the little he had said, to remind the House, what was the meaning of the act of Parliament, and to enforce its being strictly observed, by their avoiding to establish a mischievous precedent. Mr. Adam

The House adjourned.

Tuesday, 30th June.

No material debate occurred.

Wednesday, 1st July.

Sir William Dolben moved, "That the House do resolve, "itself into a Committee of the whole House, to consider "of the bounties to be allowed, in certain cases, to masters and surgeons of ships employed in the conveyance of "slaves from the coast of Africa."

As our readers may deem it quite sufficient, if we lay before them only the important parts of the much-agitated and

generally-understood question concerning the slave trade, we shall briefly observe, that a short and, perhaps, less interesting debate than usual, ensued between Lord Penrhyn, Mr. Stanley, Mr. Gascoyne, the Chancellor of the Exchequer, and Sir William Dolben, and that the result was, that the question was agreed to, and the House went into a Committee (Mr. W. Smith in the chair) and voted several bounties.

The same were ordered to be reported upon the morrow, when Sir William Dolben observed, he should bring in the bill.

Mr. Sheriff Curtis, at the bar, presented a petition from the Lord Mayor, Aldermen, and Common Council of the city of London, complaining of the tobacco bill as an alarming extension of the excise, and praying to be heard by their counsel against it.

Mr. Alderman Watson made the necessary motion for their being heard by their counsel.

Mr. Pitt. Mr. Chancellor *Pitt* remarked, that although no man felt a stronger conviction than himself that every petition coming from so great and respectable a body as the city of London, was entitled to be treated with all possible respect and attention; yet, he believed it to be a principle, never to hear any persons at the bar of the House by their counsel against a bill, but when they stated that they had an immediate interest in such bill, and that if it passed into a law, their interest would be materially affected. That not being the case in the present instance, he should take the liberty of moving, "to leave out all the words after the words "lie on the table."

Mr. Ald. Watson. Mr. Alderman *Watson* contended that the petitioners were interested in the bill, and that immediately; they had warehouses and other buildings wherein the manufacture was carried on, which would become untenanted, in consequence of the tobacco manufacturers laying down their business, which, according to an advertisement from a most respectable body of men, he saw many of them would do, provided that the intended act should ever be put in force.

Mr. Chancellor Pitt's amendment was carried, and the petition ordered to lie on the table.

Mr. Dempster. Mr. *Dempster* begged leave to present a petition from a number of newsmen, who considered themselves in danger of having their interests very materially injured by a clause in the bill before the House, imposing an additional duty on newspapers. That clause was not a part of the bill originally, but had been introduced in it by certain persons who wanted to prevent others of the same trade from deriving an equal share of profit from their business. His present petition contained different allegations from the former. With regard to the not suffering petitions to be presented in the same session

sion in which a tax passed, Mr. Dempster said, if it came a year after the injury, the petitioners wished to observe that it would come too late to be of any service. Mention had been made of precedents; he did not pretend to have every chapter and page of the journals in his memory, and therefore he could not, on a sudden, give any answer as to the fact; but he had since referred to them, and he had found several precedents as to petitioners being heard against regulations contained in a tax bill, and one against a tax itself. He mentioned that the latter was in the year 1780, when the sixpence was put upon the malt; and he added, that the hawkers and pedlers had been heard upon the bill affecting them, when it was before the House.

The *Speaker* apprehended that it had long been thought the rule of the House not to receive petitions against a tax bill, till after the ill consequences of it had been ascertained, and that the rule had obtained on two principles: first, that when that House voted a tax in aid of the current services of the year, it proceeded on the exigency of the case, which would not admit of delay; and therefore, they did not suffer the passing the tax into a law to be procrastinated by hearing the parties interested against it; and secondly, the House claimed to itself the credit of having sufficiently apprized itself of the probable consequences of any tax, before it was voted as an article of ways and means. There might possibly be modes adopted, by which petitioners against a regulation in a tax bill might be heard, either by separating the regulation from the body of the bill, and making it a bill of itself, or in some other way.

The
Speaker.

Mr. Chancellor *Pitt* said, that even if the petition were not presented, there would be full time for the discussion of its merits in the future stages of the bill. The honourable gentleman over the way had contended, that the petitioners ought to be heard before the bill passed, and not afterwards; whereas the rule and practice of the House undoubtedly had been the reverse of that reasoning, and clearly for the sake of accommodating Government in passing Supply bills. If the rule were different, every tax would be opposed, and Counsel desired to be heard against it. With regard to the precedents stated by the honourable gentleman, that respecting hawkers and pedlers, which seemed to have some similarity to this, was, in fact, a very different case. There the hawkers petitioned against a regulation imposing an additional duty upon themselves; but, in the present instance, it was a regulation to aid the supply. The regulation was against persons hiring newspapers, instead of buying them, and therefore was material to the sale of newspapers, upon which alone the increase of the revenue depended. If an ad-

Mr. Pitt.

ditional tax on newspapers were an additional motive for hiring, and not buying, newspapers, and if it were allowed that it defeated not only the revenue, but that particular revenue for the obtainment of which an additional duty on newspapers was imposed, it surely must be admitted, that the petition in favour of persons carrying on such a practice, was a petition directly against the tax itself, and could not, consistently with the rules of the House, be received.

Sir Grey
Cooper.

Sir *Grey Cooper* observed, that although he could not contend against the clearness of the rule laid down by the Speaker, yet, he felt much concern at perceiving it enforced from the Chair with so much strictness and severity. He well remembered the precedent of the year 1780, respecting the sixpence on the malt duty, which Sir George Saville contended was a regulation of a tax, and not a tax itself, and under that construction the petitioners had been admitted to be heard. Sir Grey thought that precedents ought to be searched for; he knew there were many, since, on referring to the journals in the year 1780, they found in one year thirteen precedents on each side. He declared himself inclined to think the present petition within the regulation, and that there was colour to believe that the tax would be as good with the petition as without it.

Mr.
Dempster.

Mr. *Dempster* said, that since the tax was last laid on newspapers, two or three hundred people near the public buildings derived support, without hurting the revenue, from lending newspapers to read.

Mr. Pitt.

Mr. Chancellor *Pitt* answered, that he had no manner of objecting to meeting the petitioners in argument; but, as there was other business, and gentlemen wished to enquire after precedents, he would recommend it to the House to adjourn the consideration of the subject to a future day.

The question was put, and the debate adjourned.

Mr. Dundas moved, that the papers relative to the East-India Company's affairs in India, which had been presented by Mr. Ramsay and Mr. Morton, be referred to a Committee of the whole House.

The motion having been agreed to, the House resolved itself into the said Committee, when Lord Frederick Campbell took his seat as Chairman.

Mr.
Dundas.

Mr. *Dundas* begged leave at the outset of the remarks upon which it would be necessary for him to enter, to call to the remembrance of the Committee the manner of forming the accounts of the revenues of the Indian presidencies and the charges upon them, which he had adopted ever since it had been his duty to state to them yearly the situation of both; and, for the sake of avoiding misconception on the part of those who heard him, he would translate the India currency into

into sterling British money as he proceeded, which would, he flattered himself, be deemed more intelligible language by the generality of his hearers.

The result of the statement of the preceding year, founded upon the accounts then produced, and referred to the Committee, amounted to the sum of 1,289,879l. The first point to be now ascertained was the real amount of the public revenue in India. In the statement of the last year the resolutions which he moved on this subject were founded upon an estimate of the probable receipts and disbursements for the years 1787-8, but having no such account this year from Bengal, for the same reason given in the papers on the table (No. 11) however he was furnished with the means of giving them information out of them in a manner which they would probably consider as more satisfactory. He would give them the estimates of that year compared with the actual produce of the same year. They were estimated at 5,06,48,906 current rupees, 5,064,890l., and from the account now upon the table (No. 3) they turned out to be 5,18,27,117 rupees, 5,182,711l., which is above 11 lacks more than the estimate 11,78,211 rupees, 117,821l.

Another proof appeared that this was not an exaggerated state of the revenues; he meant that which arose from a comparison with the average formed out of this and two former years. It was true that average amounted only to 5,08,87,655 rupees, 5,088,765l., which was nine lacks below the actual produce of this year. But if any objection should arise from that circumstance, it might be done away, by noticing that the first year of that average happened to be remarkably low, amounting to 4,98,91,783 rupees, 4,988,178l., whereas the second amounted to 5,09,44,064 rupees, 5,094,406l., and the third amounted to 5,18,27,117 rupees, 5,182,711l., so that it seemed to have been an increasing revenue during these three years. Still more also would this reasoning become corroborated by taking an average of the three years previous to 1785-6, as appeared in the resolutions of last year, according to which the revenue amounted to 5,21,88,146 rupees, 5,218,814l.

It was upon all these data that he should conclude himself fully justified in desiring the Committee, in their examination of this subject, to consider the revenues (as they actually turned out) to be agreeable to the actual produce of last year, which was 5,18,27,117 rupees, 5,182,711l. He was aware that in this statement he might be informed that the revenue would not answer to that amount, because the government customs were abolished, which, in the account to which he referred, were stated at about 18 lacks; as he had no account of the revenue of any year since the reduction, he

could

could only proceed on the account before them, and should do that without much apprehension of future failure, on this account, because the opinion which led to the abolition of the customs, ought, at the same time, to have led to an expectation of an increase of revenue in other respects, by its operation on the trade and prosperity of the country. It would, likewise, be observed, that the Calcutta customs were not abolished, and for the same reason would probably increase.

Upon this account was it that he considered the revenues of Bengal to rising to 5,18,27,117 rupees, 5,182,711l. For the same reason, as already stated with respect to the revenues, he could not suggest any resolution respecting the charge for the years 1788-9; but it was probable that what he had to state would be more satisfactory, because it would shew them what the charges of the years 1787-8 actually turned out to be, compared with what he, the last year, stated to them upon estimate they would be. In the resolution he moved last year he suggested that the charges would amount to 3,06,62,401 rupees, 3,066,240l. But the actual account of that expenditure amounted only to (No. 3) 3,04,67,767 rupees, 3,046,776l., which the Committee would observe was about two lacks less than the estimate. So that deducting the actual charges of the years 1787-8, from the actual revenues of that year, the net revenues (per No. 3) amounted to 2,13,59,350 rupees, 2,135,935l., and the result of the joining the excess of revenues to the decrease of charges, was a sum of 13 lacks in favour of the actual account compared with the estimated one, 13,72,845 rupees, or 137,284l. sterling.

In stating the revenues and expences of Madras, he was possessed of the account of probable receipts and disbursements for the year 1788-9, and likewise of a comparison of the receipts of the former year 1787-8, with the estimate of the revenues of that year. Before he offered any observations on the state of those accounts he should call their attention, in the first place, to the amount of their revenues judged upon the footing of former averages. With this view he referred them to No. 4, and begged them to observe that any resolution which he moved founded on an average, must be founded only on two years, 1785-6 and 1786-7, for the account transmitted for 1787-8, could not be connected with the two former years in making an average, because it was only an account of net revenue, whereas the others were accounts of gross revenues. The resolution which he should, therefore, suggest, founded on average, would be only for two years, and the amount of the average of these two years was 26,31,097 pagodas, 1,052,438l.

Mr.

Mr. Dundas then stated the comparison of the estimate of the year 1787-8 with the actual out-turn of that year. The account was No. 6, and the amount of the estimated revenue was

	Pagodas.	Pounds.
Whereas the actual receipt appeared to be no more than	30,12,796	1,205,118
	24,93,201	997,280
A difference of	5,19,595	207,838

How far they ought to be discouraged by this failure, they were enabled to judge from the papers before them, appendix to No. 6.

The next to which he adverted was the amount of the real and estimated charges for the year 1787-8, and from that account it appeared that the real charges exceeded the estimated in a sum of two lacks, the former amounting (per No. 6) to

	31,18,203	1,247,281
The latter estimated at (per No. 6)	29,17,540	1,167,016

The difference is Ps. 2,00,663 £. 82.265

The reason in the appendix to No. 6, and among other matters the Chief of Masulipatam, in consequence of which the collection had fallen short, which he understood was on such occasions usual.

Upon the comparison of the estimated account of the year 1787-8, with the real account of that year, the result was that joining the deficiency of revenue to the excess of charge, the whole created upon the account, a difference of (per No. 6) 7,20,258 pagodas, 288,103l. It would be observed that the civil charges were less than calculated by a sum of pagodas 21,293, and when the state of that country was recollected at the beginning of the year 1788, no person could be surprized except at the lowness of the excess of military charges. The actual deficiency of receipts below the expences being 6,25,002 pagodas, 250,000l. With regard to the future prospect he should refer them to the estimate for the year 1788-9, and in No. 485; by them the revenues are estimated to amount (No. 4) to

and the charges (No. 5) to	33,96,133	1,348,453
	32,76,219	1,310,587

Leaving a net revenue of - Ps. 1,19,914 £. 47,966

Notwithstanding that it was his intention to move a resolution, stating this prospect as one which had been holden out from the government of Madras, still, as there seemed to be a dif-

a difference of opinion how far it was to be realized, one half of the Council thinking one way, and the other half the other, and as the estimate of the former year had failed, the only fair suggestion he could offer upon the subject was to leave their minds in a state of suspense upon it, that from the whole orders which had since gone out relative both to the Nabob and Tanjore, and the system which was now adopted relative to the Circars and the collection of their revenues, he was extremely sanguine in the speedy prospect of a permanent and improving revenue under the presidency of Madras; and he should feel more satisfaction in stating these ideas when they should be realized, than in detaining them then to mention what various accidents might concur to disappoint. In the statement of the present day, he did not mean to found any conclusion upon this account of the probable receipts and disbursements of the year 1788-9.

In the statements of the preceding year, relative to Bombay, he could not give them a three years average of the revenues, because he was not possessed of any account to justify such a statement, the first of the three years comprehending revenues given up to the Mahrattas at the peace, and not now in their power; but proceeding upon such materials as he had, he stated the revenues as estimated at 11,76,601 Bombay rupees, or 147,075*l.* sterling. It now appeared from an average of three years actual accounts from 1786-7 to 1787-8 inclusive, the revenues had amounted to 11,76,356 Bombay rupees, or 147,044*l.* (7) The difference was 245 Bombay rupees, or 3*l.* sterling.

The next account to be adverted to was No. 9, which shewed the result of the comparison between the estimated and actual revenues, during the year 1787-8; and it appeared that the estimate was 11,76,601 Bombay rupees, or 147,075*l.* sterling; the actual produce 11,29,534 Bombay rupees, or net, 19*l.* sterling. The difference 47,065 Bombay rupees, or 5,884*l.* sterling.

In the resolution which he should move this year on that subject, he would follow the resolution of last year as to the estimate, but, it was proper to remark, that the estimate laid before the House last year was erroneous, to the amount of about 25000 rupees, which was discovered by a subsequent account. Vide note to No. 9.

There was likewise before them an account of the charges as estimated in the statement of last year, compared with the actual charges. The estimate was 36,51,245 Bombay rupees, or 456,405*l.* sterling. The actual account 38,00,351 Bombay rupees, or 475,045*l.* sterling. The difference was an excess—1,49,113 Bombay rupees, or 18,640*l.* sterling. And here again it was to be observed, that the corrected account

to which he had already referred, likewise made a small correction on the estimate of charges, to the amount of about 12,000 rupees; but, in this instance, as in the other case, he would follow the statement of the resolution of last year.

Upon the whole result, therefore, of the Bombay estimate, as stated last year, compared with the actual account, the account was worse than estimated to the amount of only 1,96,180 Bombay rupees, or 24,522l. sterling. The estimate of the year 1788-9, was contained in Nos. 7 and 8, and by that account the revenue was estimated to amount to 11,74,138 Bombay rupees, or 146,767l. sterling. And the charges to 50,55,217 Bombay rupees, or 631,902l. sterling. The deficiency 38,81,079 Bombay rupees, or 485,133l. sterling.

It must be observed, that the estimate of charges for the year 1788-9, exceeded not only the charges of 1787-8, but the estimate from Bombay 1788-9, owing to a sum of six lacks of additional military expence, three lacks for an additional European regiment, the other three to complete the establishment ordered in 1785, but not carried into execution on account of the deranged state of the finances, till the prospect of a rupture in the year 1787 rendered it necessary to complete the military strength on the western side of India. In a settlement where their establishments were not complicated, or liable to a great variety of contingencies, there was little difficulty of forming the estimates tolerably accurate, and as those establishments were now finally settled, the charges might fairly be concluded to be at their level, and amounted to 50,55,217 rupees, or 631,902l. sterling, which exceeded their revenues 38,81,079 rupees, or 485,135l. sterling. Upon that footing they might probably remain, unless it should be thought expedient to new model their civil establishment. The military strength was necessary for the safety of the other dependencies, and the expence of it ought therefore to be placed to the general account of India, the fate of Bengal and Madras depending equally on our having a powerful force on the western coast of Asia, ready to repel and check the operations of the Mah-rattas, if they attempt any inroad prejudicial to the interests of Bengal, or of Tippo Sultan, if he presumed to invade the Carnatic, and thus embarrass the Madras dependencies. He would therefore never advise the East India Company to preserve a less military force in Bombay than they had at present.

Not having received any estimate of probable disbursements at Bengal for the year 1788-9, he could not state what they estimated to be the expence of the establishments of Bencoolen and Pinang; but by the estimate in No. 10. B.

the revenues of Bencoolen, upon an average of three years, amounted to 10,177 dollars, 2,529l. The charges were probably reduced in consequence of the orders of the Court to reduce it to a residency, and to confine its expences to 27,650l. and by the estimate, No. 10, it was stated at 29,816l. They had no estimate of Pinang; but let the two be taken together as by last year, at 6,00,00 rupees, 60,000l.

Mr. Dundas now desired that gentlemen, for the purpose of ascertaining the precise value of the Indian revenue, calculated upon the data which he had stated to them, and in which he had proceeded on actual accounts, he desired gentlemen to add together the revenues of each settlement, and, from that, deduct the total of the charges.

ACTUAL REVENUES in 1787-8.

At Bengal.	Rupees, 5,18,27,117	
Madras.	Pagodas, 25,46,499	Rupees, 108,22,621
Bombay.	Rupees, 11,29,534	13,10,260
		<hr/>
Total revenues, current rupees,	-	6,39,59,998
or pounds sterling,	6,395,999	

ACTUAL CHARGES in 1787-8.

At Bengal,	-	-	-	3,04,67,767
Madras.	Pagodas, 31,71,501			1,34,78,879
Bombay,	Rupees, 38,00,358			1,34,78,879
				<hr/>
Total charges, current rupees,	-	4,83,55,061		
or pounds sterling	-	4,835,506		
Net revenues, current rupees	-	1,56,04,937		
or pounds sterling	-	1,560,439		
Expences of Bencoolen and Pinang,				
as estimated last year	-	6,00,000		
				<hr/>

This is the nett revenue, after } current rupees, 1,50,04,937
 defraying the exp. of estab. } 1,500,493 pounds sterling.
 To this is to be added as a part of the
 Indian funds, the amount of the im-
 port sales and certificates amounting
 in the year 1787-8 as per No. 15 to

32,14,460

Making together current rupees 1,82,19,397
 Pounds sterling 1,821,939

This sum was applicable to the discharge of the debts in India, and the purchase of investments, including commercial charges. The debts are undoubtedly entitled to the preference, if the purchase of investment cannot be obtained without injuring the creditors. In truth, however, these interests were perfectly reconcileable, and accommodated each other.

It was expected that the whole debt would have been subscribed on the terms proposed, but it had proved otherwise, owing to the confidence in the receipt of the high interest, connected with a confidence in the stability of their Indian prosperity.

If they suppose the whole debt, as stated in No. 16, to remain in India, which was very improbable, the interest payable thereon would be, by the same number 48,07,019

Current rupees,	1,34,12,378
Or pounds sterling,	1,341,237

And yet, as it might be objected that the charges of Madras and Bombay appear higher in the estimate for the year 1788-9, than in the actual amount of the year 1787-8, the following statement with respect to those two settlements was taken from those estimates; but there being no estimate from Bengal, the gross revenues and charges of that government were, for the reasons before mentioned, taken at their actual amount in 1787-8.

REVENUES.

Bengal revenues, 1787-8,	—	—	5,18,27,117 Rs.
Madras do. esti. 1788-9,	33,96,139	Pag.	1,14,24,565 do.
Bombay do. do.	11,74,138	Rs.	10,61,000 do.

Total revenues, C. R. 6,76,12,682

CHARGES.

Bengal, 1787-8	304,67,767 C. R.
Madras esti. 1788-9.	} 32,76,219 P. 1,39,23,931
Bombay do. 1788-9.	
	} 50,55,217 R. 58,64,352
	5,02,55,750

Carried over nett revenues	1,73,56,932
Or sterling	1,735,693l.

Whereas, in the account for 1787-8 above stated, the nett revenues appear to be only 1,56,04,937 rupees. The estimate therefore for 1788-9, (for Madras and Bombay) after allowing for every probable encrease of expences in that year, was better than the amount of 1787-8 by 17,51,995 rupees, 175,199l. and fully justified the taking of that year as a low estimate of what we might expect from the produce of the revenues of India.

Mr. Dundas, in stating the debts of Bengal, expressed himself under a difficulty from the want of the account of quick

quick stock from Bengal. In consequence of this circumstance, he could not state the amount of the debt from complete accounts to a later period than 31st January 1788, which was only three months later than the statement which he gave last year, and of course the variation must be but small. By the resolutions of last year, he stated the India debt 7,62,21,563 rupees, 7,622,156l.

According to the account, No. 16, he should state it in the resolution of this year to amount to 7,60,47,548 rupees, 7,604,754l. The difference only 1,74,015 rupees, 17,401l.

It was, however, necessary to attend to the note at the top of account No. 16, whence it seemed to admit of no doubt that the debt had been reduced 30 lack. To this must be added, a sum of 8 lacks, the expences of the Southern army, not including the debt of the preceding year.

The debt bearing interest in India was last year stated at

	Rupees	Pounds
	16,41,09,900	6,410,900
According to account, No. 16, the debt bearing interest was -	5,77,62,448	5,776,245
The decrease of debt bearing interest was - - -	63,47,452	634,745
The interest payable annually in India, was stated last year at	53,53,341	535,334
The amount payable according to No. 16 was - - -	48,07,019	480,702
The decrease was - - -	5,46,322	54,632

Comparison of the balances of cash in the Treasuries at the time the debts were made up for the House in 1788 and 1789.

1788.	1789.
Bengal, Oct. 31,	
1787, C. R. 47,23,471	31 Jan. 1788, 51,67,580
Madras, 31 July 15,24,029	30 April, - 29,32,946
Bombay, - - 8,89,530	31 October, - 6,84,984
Bencoolen - - 5,12,310	30 April, - 3,23,775
<u>76,49,340</u>	<u>97,09,485</u>
Cash better in the accounts for 1789 than in those for 1788, by 20 lacks, or 205,994l. - - -	20,59,945

On this occasion (Mr. Dundas remarked that) it was with pleasure that he could assure the Committee that several collateral circumstances concurred to confirm him that the statements

statements which he had laid before the House were not likely, in future, to assume a less prosperous aspect. In the first place, he built much upon the order and regularity in which the affairs in India were now conducted by the Governor in that country. From the commencement of the present system of government till a recent period they had been in continual uncertainty as to the real amount of the burthens by which the revenues in India were incumbered. Under that uncertainty they had been naturally diffident of every plan and arrangement formed for their relief. He under-rated the case when he supposed that the debts were not less than two millions more than they had been led to calculate at the commencement of the present system of government. Every department had been so deranged by the distractions of war, that it was impossible immediately to get at the bottom of their affairs; daily calls of heavy arrears and unliquidated demands, disturbed every system which could be formed for the regulation either of commerce or of finance. All this, he trusted, was now at an end. They knew the extent of all their difficulties, and encountered them without diffidence or apprehension. Closely connected also with the remark which he had just made, was the satisfaction they derived from the circumstance of their being able to confide in the truth and accuracy of the estimates which they received relative to the real amount of their current charges and expences.

It had been long the custom of the governments abroad, to furnish the administration at home with estimates of the probable resources and disbursements of their respective settlements; and it was likely that when their affairs had been contained within the limited sphere of commercial departments, those estimates had been realized with tolerable accuracy. But in proportion as the objects of Indian government, by the acquisition of large territories and revenues, extended beyond their original bounds, their accounts had become more complicated; and although the form of estimates had been preserved, they had seldom afforded any just expectations of being realized. He trusted that in the course of that day's detail the Committee had witnessed how carefully matters were changed in that respect. The estimate of probable expences had been accurately realized, and where there was a difference of estimate and actual account, it had been in favour of the estimate, and if in any articles it were otherwise, it was most satisfactorily explained. When he thus gave credit to the public servants of India, he must, at the same time, do justice to the Court of Directors in the exertions they were making to increase the revenues in India, by the extension of the export trade from this country. The sale of these export goods was a material aid in every arrangement
either

either of finance or commerce, and, he made no doubt, the spirit which then actuated the Court of Directors would continue to operate in a manner equally conducive to their own interest and credit, and to the general prosperity of Great Britain, in the promotion of its industry and population.

Whilst he spoke of future confidence in the growing prosperity of our Asiatic possessions, he meant to refer particularly to the state of universal peace which reigns in India, and the flattering prospect of its continuance. This arose, not only from our own internal strength, which bade defiance to the ambition of every hostile power in India, but from the thorough confidence the native powers reposed in the sincerity of our declarations, and the conviction they felt that our object was peace, and that no temptation would lead us to deviate from that path, unless compelled so to do, either by hostilities against ourselves, or those allies whom we are bound by treaty to protect. He should confine himself upon this topic to India; there existed no necessity for calling upon gentlemen to turn their eyes nearer home; if they had any European rivals in India, that certainly was not the moment of alarm from any neighbouring quarter. Mr. Dundas concluded with moving,

“ That it appears to this Committee that the annual revenues of the East India Company in the Provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the heads of mint or coinage duties, Post Office collections, Benares revenue, Oude subsidy, land revenues, customs, and the receipts from the sales of salt and opium, amounted on the average of three years from 1785-6 to 1787-8, both inclusive, to the sum of five crore, eight lacks, eighty-seven thousand, six hundred and fifty-five current rupees.”

Mr.
Hussey

Mr. *Hussey* having premised that he felt it incumbent on him, as one of the representatives of the public, to look at the accounts with some degree of accuracy, and to compare them with the right honourable gentleman's state of the Indian revenue, added that he did not mean to controvert the account given by the right honourable gentleman. He was glad to see that the revenues were collected, but he did not take them to be just as the right honourable gentleman had stated them. He understood the revenue of Bengal to be 2,130,000*l.*, Bombay, the honourable gentleman had stated at 480,000*l.*, and Pinang and Bencoolen at 60,000*l.*, the whole 932,000*l.* The right honourable gentleman had stated the debt in India to be 7,604,754*l.* sterling, Mr. Hussey said he thought it was otherwise, but he could not state it because he could only judge from the papers on the table. From what the right honourable gentleman had said he thought the government

Government of Bengal in good hands, but he must consider the state of the East-India Company at home as well as abroad, and how did things look there? The state of the debt of the Company here at home, as estimated by themselves, had encreased from five millions and upwards to eight, and with the transferred debt from India to 9,600,000*l*. How was the declaration of the right honourable gentleman, that he had reason to think the debt of the Company reduced, to be reconciled to their coming to that House to ask for leave to borrow more? Their capital was nearly three million encreased lately, and now they wanted a greater sum. Surely, all this was far from having a commendable appearance.

Mr. Chancellor *Pitt* remarked, that when the Company came forward to ask the assistance of the Legislature, the circumstance ought, undoubtedly, to create suspicion, and to be eyed with jealousy; whenever, therefore, he should make a motion on the petition which had been just presented, the subject ought to be carefully examined and fully discussed; but he must be permitted to say beforehand, that the petition of the East-India Company for assistance at home did not imply any contradiction to the prosperous state of their affairs abroad. Mr. Pitt stated a disappointment in their sales, in the course of the preceding year, when they had fallen considerably short, as one cause of their distress, and he had no doubt but when their accounts should be inspected, it would be found that credit was due to them to enable them to answer the large bills which were drawn upon them in consequence of the transfer of the debt from India to England.

Mr. *Francis* observed, that he would not pretend to follow the right honourable gentleman in his calculations, but he would state a few strong facts, and leave their impression to the Committee; and first, he must remark, in regard to the estimates of the probable resources and disbursements of Bengal, from the 30th of April, 1788, to the 1st of March, 1789, that he did not think that the right honourable gentleman had said any thing to excuse the Accomptant General of the Bengal Government, for not having sent home that estimate. Mr. Larkins wrote the following letter to Lord Cornwallis:

“ To Earl CORNWALLIS, K. G. Governor General in
“ Council, &c., in the Public Department.

“ My Lord,

“ I AM much concerned that it has not yet been in my
“ power to complete the actual account of the receipts and
“ disbursements of this presidency and its subordinates for
“ the year 1787-8; the estimate of the probable resources
“ and

“ and disbursements of this government, between the 30th
 “ of April, 1788, and the 1st of May, 1789; and the
 “ statements of quick and dead stocks of this presidency and
 “ its subordinates, for the 30th of April, 1788; having
 “ mistakingly supposed that I should have been able to have
 “ compleated the close of the general books for the year
 “ 1787-8 in time to have established a correspondent con-
 “ nection between these and the former, as the only means
 “ by which this office could be enabled to avoid incurr-
 “ ing the censure of the auditor of Indian accounts, who has
 “ justly complained of the great inconvenience which has
 “ resulted to the honourable Company’s office in England,
 “ from finding the same account differently stated by dif-
 “ ferent books, to and for the same periods; a defect which
 “ could hardly be avoided while the general books of that
 “ presidency were so heavily in arrears.

“ I did hope, my Lord, that I should have been able to
 “ have closed these in time to have admitted of the annual
 “ estimates, &c. being formed to accompany them, but more
 “ than six weeks of my time having been arrested from me by
 “ sickness and other accidents, the utmost exertions which
 “ the indifferent state of my health has latterly enabled me
 “ to afford to the adjustment and close of the general books
 “ of 1787-8, would have been inadequate thereto, had not
 “ Messrs. Hutchinson and Honan strenuously exerted them-
 “ selves to accomplish this object.

(Signed)

“ W. LARKINS,
 “ Accountant-General.

“ Fort William,
 “ Accountant-General’s Office,
 “ Nov. 9, 1788.

East-India House,
 June, 22, 1789.

“ W. WRIGHT,
 “ Auditor of Indian Accounts.”

Mr. Larkins in the letter stated, that six weeks of his time had been arrested by illness, and therefore he could not make out the accounts; the clerks in his office however, with very little instruction, could have made them out for him. But if he could not make them out by the 9th of November, he could have surely made them out by the 9th of December, or the 9th of January, which was the latest period before the last ships sailed. He had two whole months after he had written his letter, to have made them out in. Some notice, therefore, ought, in his mind, to be taken from home of such conduct. Mr. Francis observed, that Mr. Dundas had taken the current rupee at the price of 2s. He declared, he had always wondered that he had before taken it

it at 2s. 3d. It could be only to swell the accounts unnecessarily, because the rupee was not worth more in India; that 1s. 9¹/₂d. or 1s. 10d. at least he had never heard it valued at more by those who might be supposed to understand it best. The right honourable gentleman had said, he deducted to the amount of eighteen lacks, on account of abolishing the Government customs, but that there would be no loss. This was somewhat extraordinary. That the country might be richer he could easily conceive, but how the revenue was to be benefited, so as to be equal all at once, he did not see. Another thing he would take notice of, was the deduction on account of the removal of the Chief of Masulipatam. The appointment of one Chief before another had realised his own settlement, and completed his collection, was an impropriety that ought also to be censured from home. He had ever understood it to be a rule never to remove a Collector till the end of the year, that the tenants might not plead that in refusal of payment. Mr. Francis said he did not think the right honourable gentleman had stated the whole of the expence at Bombay.

No. 13 stated, the excess of disbursements in current rupees	61,89,966
Interest on bond debt	14,83,106
	<hr/>
	76,73,072

In the Bombay estimate no provision was made for the interest of their bond debt, the capital of which (by account No. 16) amounted to	C. Rs. 140,45,218
Interest on ditto	14,83,106

The right honourable gentleman, he observed, had stated this year, as he had done the last year, a real surplus in the revenue of one million; but, something more than calculation was necessary to constitute proof. If they had really had a million surplus applicable to the discharge of the debt, it must have been applied to that object, or laid out in investment. He should contend that they had not reduced the debt in India at all; and at home an increase had happened, but not by discharging of debt in India.

Mr. Francis stated the debts in England and India to stand as follows:

Debt in England.

1 March, 1788.		1 March, 1789.
£.7,596,893		£.8,135,612
	Increase	538,719
Exclusive of debt transferred from India to England	-	1,476,637
N. B. The Accountant's Estimate, dated 21st May, 1788 states the amount of the debt in England, as it would stand on the 1st of March, 1789, at	-	5,668,200
Which falls short of the real amount, as per account dated 17 June, 1789	-	2,437,412
		<u>8,135,612</u>

Debt in India.

By account from the India House, dated 27th April, 1787.		By latest account.
C. Rs. 9,26,40,162		C. Rs. 7,60,47,548
	Decrease	1,65,92,614
But this decrease is created not by discharge of debt in India, but by a transfer of debt to England, to the amount of	-	£.1,476,637
(Vide Account No. 9.)		

It was, he thought, extraordinary, that the Company's debt in India should not be diminished, and their debt in England increased. He had mentioned this now, to shew that these surpluses had not tended to lessen the debt in England, or to discharge the debt in India. He wished to know where the surplus was gone, because, in former times, goods were never disposed of to the amount that they had been lately. He observed, that the right honourable gentleman had said the exports were increased. He asked, had they imports to fill the Company's ships? As a proof that they had not, he mentioned, that in looking over the Calcutta papers, he found an advertisement from Lord Cornwallis, dated December 23, 1788, soliciting the people to bring their goods on board the Phoenix and Northumberland, in order to make up the freight of those vessels. Mr. Francis commented on this as an extraordinary fact. He next noticed, what was stated as a fact, that the commercial establishments at Bengal were forty lacks; which was not mentioned, and must have been omitted through an oversight. Another circumstance was the expence of the four new regiments sent last year to India, which ought to have been stated in the estimate, and the amount of it must be deducted from the supposed surplus. He concluded with remarking, that

that as long as the facts existed, that the debts abroad were not diminished, and those at home were increasing, the right honourable gentleman's budget could afford no satisfactory account.

Sir Grey Cooper expressed his apprehensions of the consequences of the immense drain of bullion sent to China for tea. He stated, that if a similar amount of silver, or any thing like it, were carried out of the country by smugglers for their run goods, it would find its way back through a variety of channels; but, when sent to China, it was committed to the lion's den, and there were *vestigia nulla retrorsum*.

Sir Grey
Cooper.

Mr. Dundas answered that, as the proceeding on the Company's petition must be by separate motion, the honourable Baronet would forgive him, if, at that moment, he did not go into any argument respecting it. With regard to sending silver to China, if the smugglers took silver of us for tea, it must go through the medium of foreign ships to China, and it was in that case as much gone for ever, as if sent to China immediately by ourselves. There would be less silver sent there hereafter than formerly, the large amount transmitted of late years being to liquidate our existing debt in China. With respect to the impropriety of removing a Chief from any settlement, before he had completed his collection, there appeared to be reason in the argument, but the Court of Directors had a right to act in that respect as they thought proper, and he supposed they would have a good reason to assign for it. Mr. Dundas explained the cause of the advertisement for freight, by stating that there was a distinction between the private trade and the privileged trade. The former was the portion of goods allowed the Captains of the Company's ships to put on board their vessels; whereas the latter was the trade carried on by the Company's permission in articles they did not think it worth their while to ship for England themselves, as raw silk, &c. This gave an opportunity to private individuals to bring home their fortunes, and at the same time supplied Great Britain with raw materials, that were highly useful and in fact necessary to some of our most valuable manufactures. With regard to the debt, all he had to prove was, that there was a surplus in India, which was applied to the purchase of investments, and by that means applied to the diminution of the debt transferred home. With respect to the debt still remaining as much as before, the fact was, the debt in India, upon examination, turned out to be two millions more than it was stated four years ago. All, however, incumbent on him to prove was, that there was at this time a surplus above the current expences, and whenever any honourable gentleman should bring forward a ques-

Mr.
Dundas.

tion on that point, he would shew himself fully prepared to meet that question. The situation of the East-India Company (Mr. Dundas remarked) was prosperous; and notwithstanding the heavy incumbrances, and many embarrassments which they had been obliged to encounter, notwithstanding the outcry which had for some time been raised against them, he had no doubt but they would pass through their fiery trial with credit and with honour, and it would incontestibly appear that there had not been the least occasion for that clamour, which a few years ago had been excited against them to answer a party purpose, when he did not doubt but those who raised it believed that the contrary of their assertions would sooner or later be shewn to be the true state of the case, and in all these observations he flattered himself that he was fully justified by the present increasing price of India stock, which surely was no slight testimony of the public confidence.

Maj. Scott Major *Scott* now rose, and said:

LORD FREDERICK CAMPBELL,

I rise with a peculiar degree of satisfaction and pleasure to offer a few remarks to the House, on the day expressly appointed for taking into consideration the past and present state of the British government in India. It is highly honourable to the King's Ministers that they do now, for a third time, bring forward to the view of Parliament and the public the actual state of that distant empire.

It has been my warmest wish, my Lord, at all times, to detect and expose those most fallacious and ridiculous accounts which have been detailed in this House and elsewhere, and disseminated with so much industry throughout this nation, and throughout Europe, relative to the state of Bengal and its dependencies. Gentlemen are well aware that where two representations of the situation of a whole people are given, totally differing from each other in every particular, both cannot be true. Those who sit opposite to me have for some years past been in the habit of describing the natives of Bengal, and its dependencies, as reduced to the lowest state of depression, misery, and subjection, the people fleeced of their property, the revenues collected with a degree of severity, at which humanity shudders; wanton oppression, gross injustice, deliberate, unprovoked tyranny, marking every act of the British government; and the system established at home expressly calculated to perpetuate those miseries which it professed to remedy. This is no exaggeration; those who have attended to the debates of this House, or to proceedings elsewhere, well know that our language has been ransacked for epithets sufficiently forcible to condemn

demn every part of the present system. I will not again allude to the dreadful tales that have been told—tales which this House knows now have no foundation in truth, but by which I will confidently affirm, that Parliament and the nation have been degraded, dishonoured, and disgraced, in the eyes of all Europe. Were they believed, those humane and liberal-minded men, who, without farther enquiry, would have abolished much of the important commerce of this country, must, I am sure, have long ago proposed to withdraw every Englishman from Hindostan. This House has now every possible means of information before them, and I know that the gentlemen who sit opposite to me are not ignorant of the true state of Bengal. For what purpose is it then that the national character continues to be degraded throughout the world? Is the voice of calumny to be incessantly employed, because those who served their country in India had the good fortune to do, what many who were employed elsewhere could not accomplish? But I have too much confidence in the honour and the good sense of this House, to think that gentlemen will shut their ears to conviction. I will not presume to advance one word which I cannot support, either by evidence upon your table now, or by evidence that can at any moment be called to your bar. Nay I would even venture to appeal to the honourable gentleman opposite to me (Mr. Sheridan) to prove the fallacy of those accounts which have been so confidently delivered, since that gentleman has a general acquaintance, and has other means of information, by which he must know how grossly erroneous all the statements have been that were given from gentlemen on that side of the House as to Bengal, Benares, or Oude.

An honourable gentleman (Mr. Francis) whom I do not now see in his place (Mr. Francis just then walked up the House) but whom I this instant have the pleasure to behold, that honourable gentleman, for the first time that an India Budget has been opened, has omitted to say one word as to the state of the government of India, or to reprobate, as he used to do, the system under which it was governed. This I take to be a good omen, and I hope we shall all agree in the end.

Twenty-five years have elapsed since this nation has possessed an absolute sovereignty over one of the finest and the most populous kingdoms of the earth. It was our policy for the first seven years of the period to leave the entire government of the country in the hands of one Mahomedan; but from the year 1772 to the present moment, the government of the country, the collections of the revenues, and the administration of justice, have been in the hands of the English them-

themselves; and I affirm it to be a truth uncontroverted, incontrovertible, never disputed by any disinterested man of common sense, that from 1772 to the present hour, Bengal has been in a rapid state of improvement, with respect to agriculture, population, and commerce. The King's Ministers, and those who have access to the best official information, admit the truth of this fact. It is confirmed by the solemn declaration of every gentleman who arrives from Bengal. It is proved by the productiveness of the revenue, and by the astonishing drains which that country has borne during the late arduous struggle for existence in India; and yet, my Lord, the fact has not only been denied in this House, but the authority and the name of the House are used in disseminating to the world the most solemn declarations, that by mal administration "the welfare of the East India Company
 " has materially suffered, the happiness of the natives of India been deeply affected, their confidence in English faith
 " and lenity shaken and impaired, and the honour of the
 " Crown, and character of this nation, wantonly and wickedly degraded."

Such is one of the melancholy representations which this House has nominally sanctioned. Let any gentleman read what the House has said relative to the mode by which the revenues of Bengal have been for years, and are at this very moment collected. If I am to believe what this House has solemnly declared to be true, I must say that the revenues have been and are collected in a manner "vexatious, oppressive, and destructive to the inhabitants of Bengal; and
 " that the rights of private property have been most notoriously and scandalously violated." If the description of the internal government of Bengal is thus melancholy, it is so in a still greater degree as we advance upon the Ganges. Gentlemen have all heard the state and condition of Benares and of Oude, as described both in and out of the House, and as described in the name and by the authority of the House. Let me therefore now proceed, from unquestionable evidence, to do away this load of gross and foolish misrepresentation, which, though it may advance the views and designs of a faction, degrades us in the eye of the public.

I shall in no case now presume to quote the authority of that gentleman whom this House has thought proper to impeach, but I have an undoubted right to quote, as complete evidence, the solemn declaration of his immediate successor (Sir John Macpherson). On the 10th of August, 1786, Sir John writes as follows to the Court of Directors:

"The condition in which Earl Cornwallis will receive the
 " government of India is creditable to the Company, and
 " cannot but be satisfactory to the nation. The native inhabitants

“ bitants of this kingdom are, I believe, the happiest, and
 “ the best protected subjects in India; our natives allies and
 “ tributaries are satisfied, and confide in our protection;
 “ the country powers are emulously aspiring to the friendship
 “ of the English; and from the King of Tidore towards New
 “ Guinea, to Timur Shaw on the banks of the Indus, there
 “ is not a state that has not lately given us proofs of confi-
 “ dence and respect ”

I will not pay so fulsome a compliment to Sir John Macpherson (whose merits I am as ready as any man to acknowledge) as to say, that this happiness of the natives, this respect and confidence of foreign powers, was the consequence of any measure recently pursued. The fact is, my Lord, that the British name then, and for years before, stood high in India; and that the natives of Bengal were then as they had been for years before, “ the happiest and the best protected subjects in India.”

Another gentleman who has long served the Company in very important offices, and now fills with great credit to himself and advantage to the Company, one of the first offices it has to bestow, (I mean Mr. Shore) said in the year 1781, “ That the natives were happier and their property better secured under our government than under that of their former sovereigns. This,” says Mr. Shore, “ I speak with all the confidence conviction inspires.” The same gentleman defended the government of Bengal in the last year, when it was asserted that severities used in a distant province to compel the payment of balances were common in Bengal. The fact was positively denied, whatever might have been the practice in a remote corner of a distant province. This was said when the charges preferred against Deby Sing were finally determined upon; and, for the honour of the British nation, I trust the time will come when that story shall be fully investigated in this House.

My Lord, the next document to which I shall refer, in proof of the prosperous state of Bengal, is a very curious letter from Mr. James Grant to Earl Cornwallis, now upon your table. A more authentic, or a more conclusive document, cannot be produced. Salt is a necessary of life in all countries, but more particularly so in Bengal, where some of the casts eat no fish meat, others very little, and where salt is consumed by all. Mr. Grant has had access to every official document, and to every other channel of information, necessary to elucidate the subject on which he writes: and he has proved that the consumption of salt in 1780, was considerably more than a third beyond the consumption of the same article in 1765. He then adds, “ A lapse of fifteen years
 “ under the lenity of the English government, had certainly
 “ operated

“ operated a very material change in the state of things.
 “ Greater security and freedom in agriculture, manufactures,
 “ and commerce, increased considerably the population of
 “ the country, with the wealth and the prosperity of its in-
 “ habitants. An additional consumption of all the neces-
 “ saries of life was a natural consequence, and fully evinced
 “ the improved condition of the British provinces.”

In another part of his letter, Mr. Grant states this as
 “ indicating with moral, infallible certainty, a prodigious
 “ increase of population, and all its concomitant advantages,
 “ in a period of little more than twenty years.” And argu-
 ing from the data he has laid down, Mr. Grant supposes the
 inhabitants under the Bengal government to be thirteen mil-
 lions six hundred thousand souls.

The letter is before the House, and I refer gentlemen to it
 as a most valuable and curious document. It is decisive as to
 the point for which I moved for it, which was to shew the
 improved and the improving state of Bengal under the British
 government. This gentleman was appointed to a very confi-
 derable office under the Bengal government, not by Mr.
 Hastings, but by Sir John Macpherson. His character
 stands high and unimpeached; his assiduity is unremitted;
 and I am thoroughly convinced of the truth of his statement,
 and of the justice of the conclusions which he draws from
 it.

The same gentleman has written an analysis of the revenues
 of Bengal, Bahar, Orissa, the Northern Circars, and Benares.
 They are very voluminous, and contain much valuable infor-
 mation, all tending to confirm most fully every thing that I
 have had the honour at any time to state to this House—in
 particular the analysis of the Benares revenues, states that
 forty lacks is a very moderate annual assessment, and utterly
 does away every assertion that has been made by gentlemen
 opposite to me, relative to the state of that district, or to the
 rights of its zemindars. It is not from disrespect to Mr.
 Grant that I have not moved for them to be laid on the table.
 I understand he will be soon in England; and if he can prove
 to the satisfaction of the right honourable gentleman below
 me (Mr. Dundas) that the zemindars of Bengal, and the na-
 tive officers, have defrauded government annually of a mil-
 lion a year for twenty-five years, I dare say he would be
 very happy to bring that sum hereafter into the Exchequer.

My Lord, in addition to Mr. Grant's authority, I can
 quote the sentiments of every English gentleman who has left
 Bengal in the seven last years, and particularly a gentleman
 of great knowledge and observation, who was twelve years
 beyond the Company's provinces. That gentleman (Colonel
 Polier, who has lately arrived) assured me that in passing
 from

from the banks of the Carumnassa, which divides Bahar from the province of Benares, down to Calcutta, about 520 miles, he saw a country improved beyond what he conceived was possible in such a space of time.

The next evidence that I shall adduce comes most materially and pointedly to the fact; I mean the testimonials transmitted by all the principal natives of Bengal and its dependencies, relative to Warren Hastings, Esquire, late Governor General of Bengal. If gentlemen opposite to me will give no credit to the King's Ministers, nor to Earl Cornwallis, nor Sir John Macpherson, nor Mr. Grant; if they will not believe the solemn assertions of every English gentleman who arrives from the country; if they continue to this moment to affirm that Bengal is ruined, exhausted, and desolated; I hope they will alter their language after they have heard what the natives themselves say, from the highest to the lowest ranks amongst them, and that uncontrovertible evidence is now upon the table of this House. The manner in which these testimonials have been sent home, eludes every possibility of suspicion as to their authenticity. It is a fact of universal notoriety, that the natives were eager and anxious to shew their respect for the British government, to declare the happiness which they enjoyed under the protection of the man who for thirteen years had been placed over them; and who, in point of fact, first reduced that government into system. That these testimonials are highly important to the gentleman of whom they make such distinguished and honourable mention is certain; but to this House, on this day, they are also important, in so far as they fully confirm all that Sir John Macpherson, Mr. Grant, Mr. Shore, the King's Ministers, and every unbiassed, well-informed person has said, of the superiority of the English government in India over that of any native administration whatever. What is said upon this subject by one man is so peculiarly striking that I shall beg leave to repeat it. Meer Ashruff Dean Hoseiny, who signs the Patna address, adds after his name these words: "From the justice of Mr. Hastings, his protection
" of the people, and his excellent conduct towards them;
" the people of other countries desired, as for example those
" of Cashmier lift up their hands in prayer that God would
" make the English government the lot of their country."

Having now, my Lord, laid this ground-work, I shall refer to my last evidence, which binds and fixes the whole; I mean the estimated and actual receipts of revenue under the Bengal government for one complete year. The estimated revenue for 1787-8, was five millions, sixty-four thousand, eight hundred and ninety pounds, twelve shillings; but the actual revenue received was five millions, one hundred, and

eighty-two thousand seven hundred and eighty pounds; the estimated expences were three millions, sixty-six thousand pounds; the actual expences were three millions, forty-six thousand pounds; so that from the receipts and expences of Bengal, described by some gentlemen as oppressed, ruined, and depopulated, there was in the last year a real available surplus in Bengal of revenue, beyond expences of every denomination, of two millions, one hundred, and thirty-five thousand, nine hundred and thirty pounds, considerably exceeding the surplus which it was estimated the last year would afford. Whether this surplus has been wisely disposed of, by paying it away in part to Madras, or Bombay; whether the military establishments there so far beyond their means of paying, ought or ought not to be reduced, is no part of my argument; for on this day I wish to confine myself to Bengal, and to shew that there is no other country upon earth that can boast of such a surplus revenue, that there is no country more flourishing, nor body of people more happy or contented. The right honourable gentleman who opened the Budget contented himself with merely stating the amount of the receipts and expenditure, but, with the leave of the House, I shall say a few words upon the most material items. The first is the Benares revenue. Gentlemen will see that more than the estimated revenue is actually received. The total above forty-five lacks of rupees. Does the right honourable gentleman, or any other person, express the least doubt as to the collections of future years? On the contrary, does not Mr. Grant, a well-informed man, and a clear authority, say that the assessment is moderate? How is that to be reconciled with what this House has said as to Benares? How is it to be reconciled with what the representatives of this House have said elsewhere, relative to the state and situation of that valuable and flourishing province? This House has pronounced that country to be totally ruined and desolated. Destruction, devastation, and oppression, are the epithets used by this House in describing the state of that country at no very distant period. The description, I confidently affirm, is not true, because the House knows that from a country so described no revenues could be collected. The sums received, and the united voice of the natives, are a sufficient refutation of so gloomy an account. So far from the revenue which Mr. Hastings fixed in 1781 falling short, it is likely to increase from the addition of the opium, which Earl Cornwallis has taken for the benefit of the Company.

The next article is the Oude subsidy, above five hundred and twenty-five thousand pounds, of which at the end of the year the trifling balance of five thousand five hundred pounds only remained. Will gentlemen have the goodness to recollect

let for one moment what has been said in this House relative to Oude? Do they not remember that when a right honourable gentleman (Mr. Fox) brought in his celebrated India bill there was a balance of above seven hundred thousand pounds due to the Company from Oude? Do they not remember that by one dash of the pen he struck out the whole? Yet since that period the whole has been paid. By papers before this House we know that eight millions sterling was received from Oude in eight years; and that by the present arrangement the Nabob pays more than the third of the expence of our army. But is there a man in the kingdom who gives credit to the accounts which he has heard, or the articles we have voted, who will not say that instead of receiving half a million annually from Oude, we ought, for years to come, to send half a million a year into that country?

And here let me seriously call the attention of gentlemen to a fact, which I have often mentioned before, but which cannot be noticed too often. This House passed thirteen articles relative to Oude, but did not, and could not, read them, as I can prove from a reference to the journals. In those articles the present system by which Oude is connected with Bengal is condemned in all its parts. The Minister, Hyder Beg Khan, is termed, in those articles, "an implacable tyrant," and the power with which Mr. Hastings invested him is stated to be monstrous, and the act itself highly criminal. Will the House be pleased to hear what Earl Cornwallis and the Directors, under the sanction of the King's Ministers, say as to the system by which Oude is governed?

Earl Cornwallis says, 20th April, 1787, "The only material difference which has taken place in the engagements between this government and the Nabob Vizier, relates to the brigade stationed in Futtyghur; the continuance of which body of troops in the dominions of the Vizier I deem equally essential to the interest of the Vizier and the Company. In other respects I have nearly adhered to the principles established by the former Governor General, Mr. Hastings, and since confirmed by the orders of the Honourable the Court of Directors. All the subsidiary arrangements have been formed with a view to strengthen those principles, and render them permanent."

So late as the 8th of April last, this communication is replied to by the Directors, and the King's Ministers, as follows:

"Having attentively perused all the minutes, proceedings, and letters, referred to in these paragraphs, and in your subsequent advices on the subject of the late agreement, concluded by Earl Cornwallis with the Vizier, we ap-

to any market. The removal of these despotic obstacles to commerce and manufactures would, he had no doubt, operate advantageously in favour of the revenue, to the full extent stated by his right honourable friend. There yet remained an article of oppression which called aloud for remedy, and that was an article of revenue. He meant opium. It would be found, in the records of the Company, that after bread had been sown, and growing, a land-holder had been obliged to plough his field up and sow poppies. The land-owner, being the opium contractor, obliged the ryots, or peasants, to give poppies the preference over every other product of cultivation. In respect to the article of cotton, till within these few years, we could not manufacture it alone; whereas now, muslins and an innumerable quantity of cotton articles were manufactured, insomuch that millions of pounds of cotton were manufactured every year. The raw material, therefore, and not the material manufactured, should be allowed to be brought over. Indeed, till now, there was not one instance of the Company being allowed to bring over any goods which interfered with ours. In another and very essential point, the right honourable gentleman seemed to be running into the same mistake which we were committing here at home, the mistake of keeping the military establishment in India so high. Peace, and profound peace, was declared to reign at present in India; to what end, then, maintain a large army of natives there? European troops were our best security. On the bravery and prudence of British officers, we must place our dependence for the safety of our East-India territories; it was by a consciousness of their valour and skill that we were enabled, with an army of no more than ten thousand Europeans to keep millions in awe. Mr. Dempster stated the possible evil of an Indian Governor General being embarrassed with a large and expensive army, when he might have an exhausted treasury. They might mutiny, and do more harm than the worst enemy. If at such a terrible moment, a Governor General should happen to know where there were some hundred thousand pounds to be found in a corner, which might be just enough to avert the threatened danger, and the Governor were, in the hour of extremest exigency, to seize upon it, on a principle of State necessity, they might possibly impeach, and put him upon his trial. Mr. Dempster, in conclusion, desired to know the particulars of the military establishment, not merely the expence.

Mr. Dundas. Mr. Dundas begged leave to remind the honourable gentleman, that opium had been an article of revenue in India fifty years ago; and that with regard to cotton, it was the Company's object to have the raw material and not the material
manufac-

manufactured, wherever the case would admit, and orders had been sent out for that purpose two years ago. As to the military establishment, the day might come when that would be diminished. At present, the honourable gentleman would not surely expect him to give an account of every soldier in India. The accounts of the army, such as had been usual, and such as the act of Parliament required, containing a full statement of the establishments, civil and military, were at present, and had been for some months, upon the table.

The question was put on the first resolution, which was agreed to, and sixteen more were afterwards moved, and agreed to.

The House adjourned.

Friday, 3d July.

Lord Frederick Campbell, according to order, reported from the Committee of the whole House, to whom it was referred to consider of the several accounts and papers which were presented to the House upon the 23d and 29th days of June last, by Mr. Ramsay and Mr. Morton, from the Directors of the East-India Company, the resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table, where the same were read, and agreed to by the House, and are as follow, viz.

“ Resolved, That it appears that the annual revenues of
 “ the East-India Company, in the provinces of Bengal, Ba-
 “ har, and Orissa, and from Benares and Oude, under the
 “ heads of Mint or Coinage Duties, Post-office Collections,
 “ Benares Revenue, Oude Subsidy, Land Revenues, Cus-
 “ toms, and the receipts from the sales of salt and opium,
 “ amounted, on the average of three years, from 1785-6
 “ to 1787-8, both inclusive, to the sum of five crores, eight
 “ lacks, eighty-seven thousand six hundred and fifty-five
 “ current rupees.

“ Resolved, That it appears that the annual revenues of
 “ the East-India Company in the provinces of Bengal, Ba-
 “ har, and Orissa, and from Benares and Oude, under the
 “ same heads which were estimated for the year 1787-8, at
 “ five crores, six lacks, forty-eight thousand nine hundred
 “ and six current rupees, amounted to five crore, eighteen
 “ lacks, twenty-seven thousand one hundred and seventeen
 “ current rupees.

“ Resolved, That it appears that the charges defrayed by
 “ the East-India Company, in the provinces of Bengal, Ba-
 “ har, and Orissa, and in Benares and Oude, under the heads
 “ of Civil, Military, and Marine, the charges of collecting
 “ the revenues and customs, and the advances and charges on
 “ account

“ account of salt and opium, which were estimated for the
 “ year 1787-8 at three crores, six lacks, sixty-two thousand
 “ four hundred and one current rupees, amounted to three
 “ crore, four lacks, sixty-seven thousand seven hundred and
 “ sixty-seven current rupees.

“ Resolved, That it appears that the annual revenues of
 “ the East-India Company at the Presidency of Fort Saint
 “ George, and the settlements subordinate thereto, and in
 “ the Carnatic and Northern Circars, under the heads of
 “ Mint or Coinage Duties, Sea or Land Customs, Subsidy
 “ of the Nabob of Arcot and Rajah of Tanjore, Land Re-
 “ venues, and Farms and Licences, amounted, on an average
 “ of the years 1785-6 and 1786-7, to the sum of twenty-six
 “ lacks, thirty one thousand and ninety-seven pagodas.

“ Resolved, That it appears, that the annual revenues of
 “ the East-India Company at the Presidency of Fort Saint
 “ George, and the settlements subordinate thereto, and in
 “ the Carnatic and Northern Circars, under the heads afore-
 “ said, which were estimated (after allowing for the charges
 “ of collecting the same) to amount to thirty lacks, twelve
 “ thousand seven hundred and ninety-six pagodas, amounted
 “ to twenty-four lacks, ninety-three thousand two hundred
 “ and one pagodas.

“ Resolved, That it appears that the charges defrayed by
 “ the East-India Company at the Presidency of Fort Saint
 “ George, and the settlements subordinate thereto, and in
 “ the Carnatic and Northern Circars, under the respective
 “ heads of Civil, Military, Buildings and Fortifications,
 “ which were estimated for the year 1787-8 to amount to
 “ twenty-nine lacks, seventeen thousand five hundred and
 “ forty pagodas, amounted to thirty-one lacks, eighteen
 “ thousand two hundred and three pagodas.

“ Resolved, That it appears, that the annual revenues of
 “ the East-India Company at the Presidency of Fort Saint
 “ George, and the settlements subordinate thereto, and in
 “ the Carnatic and Northern Circars, under the heads afore-
 “ said, for the year 1788-9, are estimated by the Governor
 “ and Council of Madras to amount to the sum of thirty-
 “ three lacks, ninety-six thousand one hundred and thirty-
 “ three pagodas.

“ Resolved, That it appears that the annual charges to be
 “ defrayed by the said Company at the Presidency of Fort
 “ Saint George, and in the Carnatic and Northern Circars,
 “ under the respective heads of Civil, Military, Buildings,
 “ and Fortifications, and the charges of collecting the re-
 “ venues and customs for the year 1788-9, are estimated by
 “ the Governor and Council at Madras, to amount to the
 “ sum

“ sum of thirty-two lacks, seventy-six thousand, two hundred and nineteen pagodas.

“ Resolved, That it appears that the annual revenues of the East-India Company at the Presidency of Bombay, and the settlements subordinate thereto, under the heads of Land Revenues, Customs, and Farms and Licences, amounted on the average of three years, from 1785-6, to 1787-8, both inclusive, to the sum of eleven lacks, seventy-six thousand three hundred and fifty-six Bombay rupees.

“ Resolved, That it appears that the annual revenues of the East-India Company at the Presidency of Bombay, and the settlements subordinate thereto, under the heads aforesaid, which were estimated for the year 1787-8, to amount to eleven lacks, seventy-six thousand six hundred and one Bombay rupees, amounted to eleven lacks, twenty-nine thousand five hundred and thirty-four Bombay rupees.

“ Resolved, That it appears that the charges defrayed by the East India Company, at the Presidency of Bombay, and the settlements subordinate thereto, which were estimated for the year 1787-8 to amount to thirty-six lacks, fifty-one thousand two hundred and forty-five Bombay rupees, amounted to thirty-eight lacks, three hundred and fifty-eight Bombay rupees.

“ Resolved, That it appears that the annual revenues of the East-India Company at the Presidency of Bombay, and the settlements subordinate thereto, under the heads of Land Revenues, Customs, and Farms and Licences, for the year 1788-9, are estimated, by the Governor and Council of Bombay, at the sum of eleven lacks, seventy-four thousand one hundred and thirty-eight Bombay rupees.

“ Resolved, That it appears that the annual charges to be defrayed by the East-India Company at the Presidency of Bombay, and the settlements subordinate thereto, in the year 1788-9, are estimated at fifty lacks, fifty-five thousand two hundred and seventeen Bombay rupees.

“ Resolved, That it appears that the annual revenues of the East-India Company at the Presidency of Fort Marlborough, and its dependencies, arising from customs, farms, and licences, amounted, on an average of three years, from 1784-5 to 1786-7, both inclusive, to the sum of ten thousand one hundred and seventy-seven dollars.

“ Resolved, That it appears, that the total of debts owing by the East-India Company in their different settlements in the East Indies, exclusive of the sums for which bills have been granted, payable on the Court of Directors

“ at home, in pursuance of their orders of the 15th day of
 “ September, 1785, and 31st of July, 1787, amounted,
 “ according to the latest accounts of the whole debt received
 “ in England, to the sum of seven crore, sixty lacks, forty-
 “ seven thousand five hundred and forty-eight current ru-
 “ pees.

“ Resolved, That it appears, that the total of the debts
 “ owing by the East-India Company in their different settle-
 “ ments in the East-Indies, bearing interest, amounted, ac-
 “ cording to the latest accounts received in England, to the
 “ sum of five crore, seventy-seven lacks, sixty-two thousand
 “ four hundred and forty-eight current rupees.

“ Resolved, That it appears, that the annual amount of
 “ interest payable on the said debts in India, was forty-eight
 “ lacks, seven thousand and nineteen current rupees.”

Maj.Scott Major Scott rose, and said :

Mr. Speaker,

After having trespassed so long upon the indulgence of the House the other night, I shall only now presume to detain them a few minutes, in consequence of what fell from an honourable and respectable gentleman, (Mr. Dempster,) whose good opinion I am very anxious to retain, and who I wish should think well of every part of our Indian government. Though I have no encouragement to add to my former observations, from the present appearance of the House, yet it convinces me of one thing, that what I did take the liberty to say, cannot be answered; for if the gentlemen who were formerly so loud in opposition to the line I have taken, could defend or support their former assertions, they would not be absent on this day; nor would another set of gentlemen be silent, if they had not discovered their former errors. Is it possible, Mr. Speaker, that those gentlemen who would abolish a valuable commerce, on the very appearance only of its being oppressive, would sit silent on a subject where the happiness of millions is at stake, unless they knew how grossly they had been deceived? For, I never can impress this truth too strongly upon this House and the Public, that the system by which Bengal is governed at this present moment, is precisely the system that stands so strikingly condemned by the votes, and upon the journals of this House.

The honourable gentleman finds fault with the large military establishment in Bengal; but I beg he will recollect the prodigious extent of country which our army covers and defends—twelve hundred and fifty miles in length, and in some places six hundred and fifty in breadth. I would also desire the honourable gentleman to recollect, that more than one-third of the expence of the Bengal army is borne by the
 Nabob

Nabob of Oude, whose country, in return, is effectually secured. I also call to the recollection of the honourable gentleman, that this great subsidy is regularly paid; that, in eight years of our greatest difficulty, we received eight millions sterling from Oude. I am sure he will remember too, that a right honourable gentleman (Mr. Fox) a few years ago, struck out, with one dash of his pen, above seven hundred and twenty thousands, then owing by the Vizier to the Company. Every rupee has long ago been paid. And here I inform the honourable gentleman, that the system by which Oude is connected with Bengal, is precisely that system which Mr. Hastings established. Lord Cornwallis tells the Company, that in his subsidiary arrangements, if he has made any alterations, it is with a view to strengthen those principles, and to render them more permanent. The Court of Directors, and the King's Ministers, approve this system in their reply to Lord Cornwallis, and the principles on which it was formed. If the House was better attended, Mr. Speaker, I should have much to say upon this subject, but I leave it to gentlemen to compare this account with what the House has done, and what has been said in its name elsewhere.

There is another point on which I beg to set the honourable gentleman right. He does not think so large an establishment of sepoy's necessary, and says, our great dependance must be upon an European force in time of danger! Here I totally differ from the honourable gentleman; and though I am as much an advocate for a respectable European force in India as he can possibly be, yet the real effective force for service in India ever has been, and ever must be, our sepoy battalions. We have brought them to such a degree of perfection in point of discipline, as strikes every English officer who sees them, for the first time, with astonishment; and in the late war, one of our Bengal battalions of sepoy's came to the push of the bayonet with a veteran French regiment, and actually repulsed it. Their attachment to us is so great, that during the late war when they were six, seven, and eight months in arrears, at a time that they had sold their silver ornaments for subsistence, no mutiny happened, though such an event was with great reason apprehended.

The honourable gentleman has expressed his wish that the monopoly of opium may be abolished; and he has told the House a very dreadful story of corn having been ploughed up, and poppies planted in its stead; I heard that story above eighteen years ago, but from very particular inquiry, have great reason to believe it was not true. It was said to have been done in the year 1769. But whether true or not, the trade has been regulated for a great number of years, and

such a thing can never happen. Opium ever has been, and ever must be, a monopoly. Mr. Hastings made that, as well as salt, an article of revenue for the Company; and it is highly important to the export trade of Calcutta.

I believe, Mr. Speaker, these are the only objections which the honourable gentleman made to the statement; and I desire to call to the recollection of this House, thin as it is, that, by the resolution now in your hand, we are going to take credit for an immense revenue in Bengal, all of it acquired by means which this House, in another character, has condemned; all of it retained under a system which this House, in another place, has, by its representatives, strongly reprobated.

With regard to the establishments of Madras and Bombay, so much beyond their ability to pay, I think they ought to be reduced upon this principle, since a right honourable gentleman (Mr. Dundas) has particularly applied to me, that we shall not be able to keep them up: that Bengal cannot bear an annual drain of fifty lacks to Bombay, and twenty to Madras; therefore, I would lessen the establishments there, and increase them in Bengal; for this very obvious reason; because, if the establishments are kept up in Bengal, Government pays with one hand, and receives with the other. But money, circulating specie, sent to Madras and Bombay, is lost for ever to Bengal. Marine battalions, raised in Bengal, would, in my opinion, be ready for foreign service, and keep our specie in Bengal. If, however, the right honourable gentleman thinks he can spare fifty lacks to Madras, and twenty to Bombay, after all the drains Bengal has suffered, every argument I have used is strengthened in the highest degree, and the former Administration deserves even more credit than I have given to it.

Mr. Dempster. Mr. Dempster declared, that no man was more convinced of the bravery and zeal of the sepoys than he was; he knew they were to be depended on, and less likely to mutiny than even British regiments: but, his argument went against maintaining a large military establishment in India in time of peace, and especially of native troops. He begged the honourable gentleman would let him know where the resources were to be found, in case of a war, if so large a military establishment was kept up in time of peace? He did not pretend to be a master of military subjects, but the matter he alluded to might be compared to affairs in private life. Suppose, for instance, that he was engaged in a lawsuit, and the expences were so enormous, that he was to spend a good deal of his money in carrying it on, how could he expect to recover his finances, if he continued to go on at the same expence as before, and to live to the full extent of his income?

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It was by economy and restraining the extent of his expences, that he could alone expect to recover himself.

Major *Scott* begged leave to impress upon the honourable gentleman's recollection that he confined himself entirely to Bengal, not having considered at all the state of Madras or Bombay. But, if he were to speak of three settlements, he should certainly express his doubts of the possibility of their keeping up establishments so much beyond their power to pay, and he thought that the army ought to be reduced when the revenue was; but that the King's Ministers, who were responsible for the good government of India, and its preservation, were the proper persons to fix the establishment. He conceived that an establishment at Bombay, so much beyond its power to pay, could not be continued.

Mr. *Dundas* declared, that he could not suffer such a conversation to pass unnoticed, as he differed widely from the honourable gentleman behind him, and thought that if any part of the military establishment in India would admit of diminution, it must be that of Bengal. He wished never to hear the military establishment of Bengal, Madras, and Bombay mentioned as disconnected with each other; they should all be considered generally as the military establishment of India. What was the reason why it was necessary to have the establishment at Madras and Bombay? It was clearly this: our force must be so distributed, as to make it most convenient to oppose any attempt of an enemy. Last war, all India was up in arms against us, a circumstance which he hoped to Heaven he should never see again. At present, we could have no foe but Tippoo Sultan co-operating against us with the French, if ever we should have another French war: Madras, therefore, and Bombay, might be considered as our frontier, to guard and protect our Bengal possessions, and it was necessary to have the largest part of our force ready to protect that frontier. If ever Tippoo Sultan got possession of the Carnatic, we must entirely bid farewell to Bengal. Last war, the Carnatic had been the seat of war, and it was by contriving to keep the war there, that we were enabled to preserve Bengal; he held, therefore, the Bombay and Madras establishments to be essentially necessary, because, by keeping the war at a distance, they might pursue the war long with success. If the last war had been suffered to be brought into Bengal, and Bengal had been ravaged as the Carnatic had been, it would have lasted longer than most of their lives, before they could have recovered their resources there; whereas, having kept the war out of Bengal, they were fast proceeding to the recovery of those resources. Bengal once ravaged, that moment they would lose their prosperity in India. He found by examination, for
he

he had been at the trouble to make it, that the revenues of India were such, that had they not been drawn away to feed the investments at home, they would have proved sufficient to have supported all the expences of the war. He did not enquire into the good or ill policy of that measure; it was thought right at the time to ascertain the full investments, and thence the revenues were diverted from the purpose of defraying the war expences which occasioned the India debt. That debt was now paying off, and in a very few years it would be discharged; and the moment it was discharged he had no scruple to say that we might defy the world to meet us in that empire; even if the Bengal establishment were withdrawn altogether, he should feel no despondency, the debt being once paid off.

Mr. Dempster. Mr. *Dempster* observed that the right honourable and learned gentleman had said that the moment we paid off the debt we might defy the world; he thought, therefore, that they could not too much accelerate that moment. He apprehended the discharge of it so necessary that he recommended lessening the military establishments as the most likely means to enable them to accelerate that measure.

Maj. Scott Major *Scott* answered that he was very glad to discover that the right honourable gentleman was so confident concerning the means to pay at Madras and Bombay, and in that case he could not object to the establishment; but there was a very material difference indeed between paying an army from the revenues of Bengal, which was kept in that country or out of it. In the former case, gentlemen knew, that the rupees were paid with one hand, and received back by government with the other; but if Bombay wanted fifty lacks, and Madras twenty lacks annually from Bengal, he much doubted how it was possible for that country to bear such a drain of specie from its surplus of two millions, and therefore he would prefer some additional marine battalions in Bengal to a great military peace establishment at Bombay which it had no means of paying.

Mr. Pitt. Mr. Chancellor *Pitt* said that it was irregular and contrary to the practice of the House to receive the petition of the newsmen, it being a petition directly against a tax bill in aid of the supplies of the year; because if the clause in question were left out it would diminish not only the old revenue but the identical increased revenue intended to be produced by the augmentation of the tax. He must, therefore, consider it as his duty to resist the bringing up of the petition, but he felt the less scruple in doing so, because in the Committee when the clause came under particular discussion, the petitioners would have the full advantage of all the arguments which could be urged in their behalf. With regard to the precedents

dents of petitions having been received against taxes, that the right honourable gentleman had mentioned when the subject was last under discussion, there was not one of them in point; and even if they had been in point, it was to be observed, that in those cases, though the House had received the petitions, the petitioners had not been permitted to be heard by their counsel.

Mr. *Dempster* answered that there were two favours which he claimed from the candour and indulgence of the right ho-
Mr. *Dempster*.
 nourable gentleman. The one was either to make the regulation in question the subject of a bill of itself, so that the petitioners might be heard against it, or to postpone the regulation till the session of the ensuing year.

The question "that this petition be brought up" was negatived.

The House resolved itself into a Committee, (Mr. Gilbert in the chair) and filled up the blank for the commencement of the operation of the Newspaper Duty Bill, with the words "First of August." When they came to the clause restricting newsmen from lending out newspapers to read for hire,

Mr. Chancellor *Pitt* observed that in the consideration of Mr. *Pitt*. the probable effect of this clause the question necessarily resolved itself into two heads: First, how far the enforcement of the clause would prove inconvenient and disadvantageous to the public by depriving them of a luxury? and next, how far it could be considered as oppressive and unjust to the news hawkers by depriving them of the means of obtaining their livelihood? With regard to the first, he did not wish to deprive individuals of the luxury of reading a newspaper, a luxury which both sides of the House would agree was a fair object of taxation and of revenue, and which, he believed, both would continue to indulge in the enjoyment of; but he did not feel any pain in making people pay very dear for it, taking care that the most considerable part of its price went in aid of the public necessities. If individuals did not chuse to go to the expence of purchasing a paper, they might, four of them, buy one among them, and by that means still read a paper for a penny each. Whereas, as the practices prevailed at present, a news hawker lent out a newspaper to twenty or thirty readers, thereby intercepting and cutting off the receipt which the revenue would have if five or eight papers were sold among twenty or two and thirty people. As to the livelihood of hawkers, he had reason to believe that they would not be affected, because, by conversing with persons most capable of affording information on the subject, he understood that the newspaper lenders for hire, and the newspaper sellers were the same persons. In consequence, therefore, of putting a stop to the practice of lending out newspapers

pers to read for hire, the call of newspapers would, in all probability, be encreased, though possibly the number of newspaper readers might not be encreased; the profit, therefore, which they would derive from so many more newspapers that they would sell, must compensate for their being prevented from lending so many to hire. The regulation, in fact, would only affect one part of the newsmen's business, and they would not have to fly to another trade for a livelihood, but to another part of their own trade, which was thus two-fold. There was no mystery in the occupation of a newsmen; he had not dedicated his mind to any art entirely; if his present mode of getting a livelihood failed him he could easily resort to another, and he had no claim to have the profits which he derived from lending out newspapers to read for hire secured to him by the legislature. Upon all these considerations he should think that the present clause ought to stand a part of the bill.

Mr. Drake Mr. *Drake* observed that any thing which tended to prevent the circulation of newspapers prevented the people from being acquainted with the virtues of the Minister, which ought to be blazoned from one end of the kingdom to the other, from the Land's End to John O'Grott's House. A newspaper was a species of necessity. He had no reason to dislike them, for he often saw well-shapen speeches in them in his name when he knew that he had made disjointed. He mentioned their utility in the advertisement line; if a man wanted employment, or a woman work, an advertisement would obtain either. He expatiated on their excellence in thus keeping females engaged, and rescuing them from prostitution, and he ended his speech with saying, let people read newspapers, love their King, serve their country, and admire the present Administration!

Mr. Rose. Mr. *Rose* remarked that the practice of hawking newspapers to lend for hire began when the last halfpenny was added to the stamp duty, and it had encreased so much of late that it was high time to check it. It led to more mischief to the newspaper proprietors than gentlemen were aware of, the hawkers often lending out their papers to twenty or thirty persons in town to read, sent them into the country afterwards at an under price, and thus injured the country newspapers.

Sir Joseph Mawbey. Sir *Joseph Mawbey* thought a newspaper very necessary; every man ought to attend to the public proceedings of his country; it was by watching them alone that Englishmen could expect to preserve their liberties. He wished newspapers would quit scandal, and avoid injuring private families; he nevertheless thought them useful guardians of public freedom, and admired, that in the space of less than twenty-four hours

hours such valuable magazines of taste, genius, information, and entertainment could be prepared.

Sir *James Johnstone* professed himself a friend to the liberty of the press. The being sometimes abused did not hurt the Members of that House. No gentleman (he believed) eat his breakfast the worse for a little abuse. At the same time, he owned, abuse did not sit easy on his stomach. But should the abuse of newspapers continue, let the Minister make that abuse the source of revenue and the subject of taxation. If abuse made the papers sell, why not charge two-pence additional stamp duty?

Mr. *Sheridan* considered it as a principle too erroneous to be introduced merely for the sake of an advantage so extremely trivial. He was a friend to newspapers, not merely because they blazoned forth the virtues of the present Administration, but because they proclaimed their actions. He was glad they would state that there was so thin an attendance when the most important business was before the House. He accused the Chancellor of the Exchequer as the cause of the thin attendance, by wilfully and systematically putting off the public business till that period of the session. The right honourable gentleman had said, that those who let out newspapers derived two parts of their livelihood from newspapers, the one from their loan, the other from their sale, and, therefore, the clause would not take away their livelihood. It would nevertheless take away one part of their livelihood. It was soothing one set of men for oppressing them by oppressing another; and as the hawkers and pedlers were sacrificed to the shopkeepers, so now the newsmen were to be sacrificed to the newspaper-printers. Mr. *Sheridan* declared himself against the tax itself, which he thought injudicious, because it would be unproductive. He lamented the abuse of the press, but thought that it should not be checked in such a manner. The laws of this country afforded every man who was injured by the press ample redress, and it ought not to be in the power of Ministers by unreasonable impositions to load it so, as effectually to prevent its exercise. The additional tax on advertisements was highly injudicious, and would prove a loss rather than an advantage to the revenue. It was not the casual advertisers, such as the want of a horse, the sale of a chaise, the loss of a watch, who were to be looked up to, but the staple advertisers, the auctioneers and booksellers? the latter allotted a given sum for advertising according to the price of the book, and if by encreasing the charge of each advertisement the given sum would pay for so many advertisements short of what it would do formerly, the revenue must consequently lose in proportion as the number of advertisements diminished.

Colonel Phipps. Colonel *Phipps* having remarked that, if the honourable gentleman would take the trouble to read one of the newspapers of the ensuing day, he would perceive that his arguments had most of them been answered before he entered the House, contended that the increase of duty on the advertisements would not decrease their number.

Mr. Sheridan. Mr. *Sheridan* answered that he would certainly look the next day to that miraculous paper the honourable gentleman talked of, but he did not before know that the *Hibernian Journal* was printed in London, and no other paper he should have conceived would have made him answer arguments which he had never heard.

Mr. Hufsey. Mr. *Hufsey* thought that the papers would not sell more from the operation of the clause. The more papers were read the more they would be bought. Those people who could not afford to buy a newspaper could not go to a coffee house; they might indeed go to an alehouse where one paper was kept, but that was an unnecessary expence, and led to tippling. A man wished to know how the world went as he sat by his own fire side, and to deprive him of that pleasure was, in the highest degree, cruel and oppressive. No man wished better to the revenue than he did, but he thought that the clause would not serve it; besides there was much instruction, exclusive of the mere news in a paper, which all ranks of people ought to see. The servant who wanted a place and advertised for one might look for the advertisements of masters who wanted servants and so on.

Mr. Chancellor *Pitt* said the poor people who advertised were not the sort of people who would either buy or hire newspapers.

The Committee divided, Ayes, 29; Noes, 9.

The bill afterwards passed the Committee.

The House adjourned.

Monday, 6th July.

Mr. *Pulteney*, from the select Committee, who were appointed to try and determine the merits of the petition of Sir Samuel Hood, Baronet, Lord Hood in the kingdom of Ireland; and also the petition of several inhabitants, householders of the city and liberty of Westminster, paying scot and lot, whose names are thereunto subscribed, being electors of Members to represent the said city and liberty in Parliament, on behalf of themselves, and many other electors of the said city and liberty, severally complaining of an undue election and return for the said city and liberty, informed the House,

That it appeared to the said select Committee, that the merits of the petitions did in part depend upon the right of election;

election; the parties were therefore required to deliver in statements in writing of the right of election for which they respectively contended.

That in consequence thereof the petitioner, Lord Hood, delivered in a statement as follows:

“ The petitioner, Lord Hood, states, that the right of
 “ election for the city and liberty of Westminster is in the in-
 “ habitants, householders paying scot and lot, within the
 “ united parishes of St. Margaret and St. John, and the seve-
 “ ral parishes of St. Paul, Covent Garden, St. Ann, St.
 “ James, St. George, Hanover Square, in the liberty of St.
 “ Martin-le-Grand, in the county of Middlesex, and in so
 “ much of the parishes of St. Martin in the Fields, St.
 “ Clement Danes, and St. Mary-le-Strand, as are not with-
 “ in any of the four wards of the liberty of the Duchy of
 “ Lancaster, called the Temple Bar Ward, the Royal Ward,
 “ the Middle Ward, and Precinct of the Savoy.”

That the electors petitioners delivered in a statement as follows:

“ The electors petitioners state, that the right of election
 “ for the city and liberty of Westminster is in the inhabitants,
 “ householders paying scot and lot, within the united pa-
 “ rishes of St. Margaret and St. John, and the several pa-
 “ rishes of St. Paul, Covent Garden, St. Ann, St. James,
 “ St George, Hanover Square, in the liberty of Saint Mar-
 “ tin-le-Grand, in the county of Middlesex, and in so much
 “ of the parishes of St. Martin in the Fields, St. Clement
 “ Danes, and St. Mary le Strand, as are not within any of
 “ the four wards of the liberty of the Duchy of Lancaster,
 “ called the Temple Bar Ward, the Royal Ward, the Mid-
 “ dle Ward, and Precinct of the Savoy.”

That the sitting Member, Lord John Townshend, delivered in a statement as follows:

“ The right of election is in the inhabitants householders
 “ of the parishes of St. Margaret and St. John, St. George,
 “ Hanover Square, St. James, Westminster, St. Martin in
 “ the Fields, St. Clement Danes, St. Mary-le-Strand, St.
 “ Mary-le-Savoy, St. Paul, Covent Garden, St. Ann,
 “ Soho, and the district of St. Martin-le-Grand ”

That, upon the statements delivered in by the petitioners, the said select Committee have determined,

That the right of election for the city and liberty of West-
 minster is in the inhabitants, householders, paying scot and
 lot, within the united parishes of St Margaret and St. John,
 and the several parishes of St. Paul, Covent Garden, St. Ann,
 St. James, St. George, Hanover Square, in the liberty of St.
 Martin-le-Grand, in the county of Middlesex, and in so
 much of the parishes of St. Martin in the Fields, St. Clement

Danes, and Saint Mary-le-Strand, as are not within any of the four wards of the liberty of the Dutchy of Lancaster.

That, upon the statement delivered in by the sitting Member, the Committee have determined,

That the right of election, as set forth in the said statement, is not the right of election for the said city and liberty of Westminster.

That the said Select Committee having proceeded to try the merits of the several petitions, the counsel for the respective petitioners did this day withdraw their several petitions.

That the said Select Committee have therefore determined,

That the right honourable John Townshend, commonly called Lord John Townshend, is duly elected a citizen, to serve in this present Parliament, for the said city and liberty of Westminster;

And also, that the said Select Committee have determined,

That the petition of the said Lord Hood did not appear to the said Select Committee to be frivolous or vexatious;

And also, that the said Select Committee have determined,

That the petition of the said electors petitioners did not appear to the said Select Committee to be frivolous or vexatious;

And also, that the said Select Committee have determined,

That the opposition of the said Lord John Townshend to the said several petitions did not appear to the said Select Committee to be frivolous or vexatious.

And the said determinations were ordered to be entered in the journals of this House.

A short debate took place, the result of which was an expressed and generally-approved intention of Government to introduce, at the commencement of the ensuing session, a bill to relieve the coasting vessels from the inconvenience of cockets and bonds. The few arguments used upon this subject were not so materially important, as to render it necessary that we should fatigue the attention of our readers by an enumerating detail.

The order of the day being read for the second reading of the bill for the reform of the Royal Scotch burghs, the same was read accordingly, and on the motion, "That the said bill be committed,"

Sir James Johnstone observed, that as the reform offered by the present bill was by no means wanted, he should object against its commitment. There were grievances in Scotland, but

but the constitutions of the Royal burghs were not among the number. They had no militia, nor any trial by jury. If a man committed high treason, he must be tried by the Scotch laws, which were different, in several essential respects, from those of England. Another circumstance was with regard to the qualification of a Justice of Peace; in England, a Justice must have a certain qualification; in Scotland, none was necessary; so that if a Justice in England committed an innocent man to prison, he could obtain a remedy; in Scotland, no remedy could be procured. Sir James agreed with Mr. Sheridan, that every man who received money from the public, should be accountable for that money, and was willing to consent to that part of the bill. He spoke of the endless system of litigation under the Scotch laws, and mentioned a case which had been heard nine times over, and determined by the Court of Session; and after the ninth determination, an appeal was brought before the House of Lords, which they reversed. Thus it followed, that few persons were likely to outlive their lawsuits, unless at the commencement of their litigations, they were in a state of vigorous health.

Mr. *Sheridan* declared, that he entertained so high an opinion of the benevolent and patriotic principles of the honourable Baronet, as to rest assured that he would not oppose any measure which he thought calculated to answer the end of civil liberty. The honourable Baronet thought the grievances which the bill went to remedy, were only imaginary; but he had stated a variety of other grievances which he knew to exist with respect to Scotland in general, which, instead of being an argument against the bill, afforded a strong presumption, that the grievances of which the promoters of the bill complained existed also. He hoped, therefore, the honourable Baronet would suffer the bill to go to a Committee, where alone he could be satisfied by proof, that grievances which he conceived to be imaginary did exist, and called loudly for redress. Before entering on the bill, he would say a few words of the petitioners, and the manner in which they had proceeded. The business had been taken up, four years ago, by persons of the first credit and respectability in the different boroughs, and conducted since that time with peculiar temper and perseverance. They had corresponded, they had met and consulted on the most constitutional mode of applying for redress; they had resorted to no improper or inflammatory means. This, surely, was not the conduct of bad subjects, or men who were enemies to regularity and good government. Of fifty-six boroughs, fifty-two had concurred in the application to Parliament; and of these, all the burgesses but those who were in the practice
of

Mr.
Sheridan.

of abuse, and derived a benefit from it. Their petition signed by nine thousand persons, certainly proved that they complained, and they wished only for an opportunity of substantiating their complaints. The first object of the bill was, to provide a remedy for the want of a judicature, before which the magistrates could be compelled to produce their accounts; and the second, was to prevent the magistrates from electing their own body, one set at present chusing in another in regular succession. The consequence of this abuse was a waste of public money, an oppressive exercise of usurped power, arbitrary impositions arbitrarily levied by imprisonment and other penalties. These were natural consequences. Whenever there was power without responsibility, there would be abuse. This was the ordinary course of things, and he wished it not to be otherwise, but to stand as an important lesson to mankind, not to grant power, without establishing the means of punishing the misuse of it. On this obvious principle, the abuses in the internal government of the Scots boroughs were easily traced to their source; the perpetuity of the same junto of magistrates, and the burgessees having no means of redress or control. Forty of the charters, copies of which were before the House, contained clauses favourable to the rights of the burgessees, and only five to the assumed rights of the magistrates; therefore, no innovation was proposed. The charter of Stirling had been new modelled by Mr. Dundas, in the manner which he conceived to be the most advantageous. The plan established for Stirling was very nearly the same with that now proposed for the other boroughs, and what the learned and right honourable gentleman had thought good for one, he must, if he acted consistently, approve of for the whole. He was ready to make out as strong a case, and to prove abuses as flagrant as had been the ground of reforming the borough of Stirling. The honourable Baronet had admitted, that the magistrates ought to account for the public money; yet, there was no judicature before which they could be called to account; neither by the Court of Session, the Exchequer, nor the Convention of Delegates. The latter, indeed, would be a very imperfect remedy, if it existed; for, it was not to be supposed that those who were in the practice of abuse themselves, would be very ready to pronounce against those who were accused of the same. To prove that the Exchequer had no jurisdiction, Mr. Sheridan read an opinion of the Court, solemnly disclaiming it on a case brought before them; and declared, that he was ready to join issue with those gentlemen who opposed the bill, on the single point, that no competent judicature of that effect existed in Scotland. It was not necessary to waste time in debating on the subject; gentlemen might make themselves

masters of it, by reading the publications respecting it, which were written in a very able manner on the part of the reformers, and had not been, in any degree, answered by their opponents. These not depending on hypothetical argument, but founded on facts, and confirmed by proofs, would convince any person who took the trouble of perusing them with attention, that the grievances complained of were not imaginary, and that the remedy proposed was not an innovation, but agreeable to the ancient rights and privileges of the boroughs. Were the case otherwise, it would become the wisdom of Parliament to extend to Scotland those advantages of the constitution of England, which it did not possess by its own.

Sir *James Johnstone* observed, that the Court of Exche- Sir James
quer found that it possessed no jurisdiction over the boroughs, Johnstone
by a majority of one Judge only, after exercising it two
hundred years.

Mr. *Dundas* remarked, that the honourable gentleman Mr.
who had taken upon himself the task of reforming the Royal Dundas
burghs of Scotland, had lately argued the impropriety of
bringing forward business of public importance at so late a
period of the session. On this ground, he took it for granted,
that he was not serious in the proposition he had submitted
to the House ; and that the grievances complained of were
not of such an important nature, as to claim much of the
attention of Parliament. It was not a little remarkable,
that though there appeared, occasionally, a considerable difference
of political opinion among those gentlemen who represented
the northern part of the kingdom, yet, none of them could
be found to espouse the cause of reform ; but forgetting the
animosities of party, they had confederated for the purpose
of oppressing the poor burghesses of Scotland. The honourable
gentleman (Mr. Sheridan) had therefore been selected as the
champion who was to rescue them from the oppressions under
which they had so long laboured ; but, as he could not acquire
his knowledge of the subject from local acquaintance with the
country, a long catalogue of their supposed grievances had
been published for the honourable gentleman's information,
and he now came forward with one simple proposition, the
object of which was to overturn and repeal the whole constitution
of the Royal burghs of Scotland, established for four hundred
years. The petition for the redress of their grievances, it was
said, had been signed by nine thousand people ; this was, in
his opinion, a very small number, when compared with the
alleged magnitude of their complaints. It was no difficult
matter to procure signatures for any petition ; and had the
honourable gentleman brought in a bill to give the people a
power of electing

electing the King, or the Lord Chancellor, there was no doubt but he would have followers of some description or another. The Royal burghs of Scotland were originally created by charters from the Crown; it was therefore a bold infringement of the Royal prerogative to bring in a bill into Parliament for the purpose of annulling them all, without even the ceremony of appointing a Committee to examine whether the grievances complained of had any existence or not. Exclusive, also, of the authority they derived from the Crown, the constitution of the burghs of Scotland could not be altered, without an infringement of the articles of the Union, which expressly provide for their security. The case of the burgh of Stirling was no argument in favour of the bill, because it had been disfranchised, and its charter forfeited on account of a series of mal-practices, which had long existed in that Corporation. It was true that, by the advice of the Crown lawyers of Scotland, the constitution of that burgh had been newly modelled; but he believed it was attended with no kind of advantage whatever to the inhabitants; at least, he never heard that they had derived any benefit from it. But, what was the remedy proposed by the honourable gentleman for reforming all these abuses? It was by annulling all the old charters, that the magistrates might be chosen annually by a poll election. A general election in this country, he believed, was never considered as a corrector of the morals of the people, but that was a species of dissipation which occurred but once in seven years. The bill for the reform of the abuses which prevail in the Royal burghs, provides for that scene of riot and drunkenness annually, and therefore the honourable gentleman should have entitled it, "A bill for the encouragement of debauchery." But, the fact was, that the honourable gentleman had, without much investigation into the truth of his assertions, taken up the cause of the reformers as one which was likely to extend his popularity; he might, however, assure himself, that he would find no statues erected in honour of him in any of the burghs of Scotland. With regard to what had been said on the subject of their accounts, Mr. Dundas contended that it was perfectly competent to the King's Advocate to call upon every burgher, and to prosecute upon any charge of misapplication of the revenue. The annual convention of the Delegates were as much the representatives of the burghs, as the House of Commons were the representatives of their constituents, and it was one of the express purposes of that institution to rectify every species of abuse which might prevail in any individual burgh; it was, therefore, absurd to say, that there was no tribunal competent to redress the grievances complained of. In al-

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cluding to some letters in favour of the bill, which were published in Scotland, under the signature of Zeno, it was there stated, that it would form an essential point of the parliamentary reform, which then was in agitation; but, the advocates of the measure now disclaim the idea, and argue that it has not the most distant connection in the reform of Parliament.

Mr. *Anstruther* supporting the opposition to the bill, declared, that he entirely acquitted the honourable gentleman of any intention of going into a Committee with the bill, with respect to which the honourable gentleman had not condescended to give the House the smallest explanation; but the right honourable gentleman over the way had really stated what the bill was. Mr. Anstruther asked, why had not the honourable gentleman brought in a bill to cut up by the roots the rights of England, as well as the rights of Scotland, since one depended on the other?

Sir *Joseph Mawbey* declared, that though he had no local acquaintance with the country, yet the abuses stated in the petition on the table were so striking, that he certainly should vote for sending the bill to a Committee. The right honourable and learned gentleman (Mr. Dundas) had argued, that the House could not entertain the bill at all, because no proof had been brought that the grievances existed. He desired the right honourable and learned gentleman to recollect, that a bill had been brought into that House for a reform of the rotten boroughs of England, without any previous inquiry. The notoriety of the evil had been considered as sufficient ground to justify the bill; and if it was an argument in that instance, it was equally good in the present case. With regard to the convention, if they could settle it among themselves to divide the spoil, it was probable there would be no complaints of abuse. The articles of the Union ought to be no bar to any salutary regulation. The trial by jury, which the honourable Baronet (Sir James Johnstone) had so anxiously desired, could not be established without a breach of the articles of Union.

Mr. *Sheridan* requested the indulgence of the House, while he made a few observations on the very unfair and illiberal manner in which the right honourable and learned gentleman (Mr. Dundas) had argued the question. Mr. Sheridan here emphatically said, that as he intended, on a future occasion, to adopt the idea suggested, of moving for a Committee of Enquiry, he would not then insist on dividing the House, but he would assure the right honourable and learned gentleman, that relying on the ability, the spirit, and perseverance of those who did him the honour of entrusting their cause to him, no exertion of his should be wanting to accom-

plish the great object which he had in view. The right honourable and learned gentleman had, very uncandidly, thrown out hints, as if he was not serious in the cause; and that he had taken it up for no other reason but to court popularity. It had been the usual language of that House to impute no other motives to gentlemen, than what their actions justified. Perhaps, the right honourable and learned gentleman judged of him from his own practice. He assured him, however, that he was not ambitious of having statues erected to commemorate his labours; but he should always lend his aid to the removal of oppression, come from what quarter it might. It would be a fortunate circumstance, if the right honourable and learned gentleman, as the Minister of Scotland, enjoying as he did the confidence of the right honourable gentleman (Mr. Pitt) would employ a little of his influence, in endeavouring to extend the blessings of civil liberty, instead of parliamentary jobbing and political intrigue. Mr. Sheridan admitted that the business of the reform had been delayed to a later period of the session than he could have wished; but if from that circumstance the right honourable and learned gentleman argued that he was not serious, what opinion must he entertain of his right honourable friend near him, (Mr. Pitt) who, at the same period of the session, had brought forward a subject of so much magnitude and importance as a general excise on tobacco? To those who contended that the grievances of which he complained were imaginary, the best answer he could give was, that all he desired was to be permitted to go into a proof of them, and for that purpose, if it was judged too late to undertake it in the present session, he certainly would bring forward that question early in the next. As to the parliamentary reform, to which the right honourable and learned gentleman had alluded, he ought, with one Zeno, to have mentioned one William Pitt, and one Duke of Richmond, advocates for that salutary measure. The case of the burgh of Stirling, Mr. Sheridan considered as an unanswerable argument in his favour; and if the right honourable and learned gentleman had no desire to enquire into the success of his own good works, he would venture to inform him, from authority, that the town of Stirling, in its trade and manufactures, had still the benefit of its new constitution, and it comprehended nearly all that he desired. He was not surprised that he should object to annual elections; he believed it would be more consonant to his political opinions, if the Magistrates and Councils were to be elected for life; and to prevent that dissipation and debauchery which he had mentioned as the evil consequences of a general election, he had not a doubt, but to obviate these evils, he would give his consent to a perpetual Parliament. As to the

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the annual amount of the revenues of the burghs, though one hundred thousand pounds might not appear to be a very large sum in the eyes of the right honourable and learned gentleman, its amount and value ought to be estimated from its relation to the general resource of the whole, and in proportion as they were scanty, that, in his opinion, was an additional reason to put an end to the abuse and mismanagement of the little they possessed. The right honourable and learned gentleman was mistaken, if he imagined, that because he opposed the bill, he should have the Members for Scotland on his side. He was happy to find the sentiments of many of those gentlemen were favourable to the bill, and he had not a doubt of their support. Mr. Sheridan said, that in alluding to the annual convention of delegates, he did not mean to reflect on any of them individually; but, as that assembly was chosen by those who were accused of delinquency, they, by having a common burgh interest, were certainly not the fittest persons to enquire into abuses, which it was their interest to conceal. He concluded with declaring his sincere conviction of the truth of every fact he had stated; and if on a future day he should be so fortunate as to prevail in the cause which he had undertaken, that day he should consider as one of the proudest and happiest of his life.

Mr. *Dundas* answered, that when the honourable gentleman first mentioned to him his intention of moving the bill, he had informed him he should oppose it on account of the irregularity of his bringing in a bill, without having a previous Committee to enquire into the facts complained of. The honourable gentleman had told him, that it would not be candid in him to take that line of objection, when he had replied, that he certainly should, and he had now opposed it accordingly.

Mr.
Dundas.

Mr. *Martin* observed, that much had been said to prove the grievances complained of by the people of the Scottish boroughs imaginary; and in corroboration of this assertion, it had been mentioned, and repeated to the House, that none of their own Members, who surely ought best to know the situation of their countrymen, had been appointed by them to undertake their cause in Parliament. For his part, he could not help feeling, in this very circumstance, a convincing proof of the existence of those grievances. It was not difficult to see whence this backwardness arose; the burghs were so far lost, that they could not prevail on their own representatives to assist them. He should, therefore, be happy to see a system, so evidently oppressive, taken into the consideration of a Committee, where, he doubted not, the necessity and the means of a reform would be discovered and provided.

Mr.
Martin.

Sir Thomas Dundas spoke in favour of the bill.

The question for committing the bill being put, it was negatived without a division.

Mr. Pulteney. Mr. *Pulteney* rose to mention the report in circulation relative to the great scarcity of corn at present in France, and of an application which had, in consequence, been made to Government for a supply from this country. Mr. *Pulteney* hinted at the serious nature of such a transaction, and wished to know what steps Government had taken respecting it.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that it was needless to remind the House, that nothing could be done by His Majesty's servants on the subject to which the honourable gentleman had alluded, without an application to Parliament for their sanction. It was true that word had been sent from the French Court, stating, that it would be an essential convenience to them, if, under the present great scarcity of corn in France, liberty could be granted to export from England a certain quantity of corn, which did not appear to be inconsiderable. The very great distress of the neighbouring kingdom and our different situation, considered, the application did not, on a cursory view of it, appear to be an unfit one to be complied with, and were it possible to foresee the extent of the inconvenience that would be incurred by so doing, perhaps, Mr. *Pitt* said, it would still be right to do so; but it was a matter of peculiar delicacy, and could not be decided without due inquiry. His Majesty's servants had instituted an examination before a Committee of the Privy Council, into the present price of corn in the market, the stock in hand, and the prospect of the harvest. From an extraordinary continuance of bad weather, the prospect of the harvest was extremely precarious; and Government had not sufficiently digested the result of their inquiries to be able to come forward with any proposition on the subject to the House. If the House were desirous of seeing the progress made in the examination in question, he should have no objection to laying the papers almost immediately before the House.

Mr. Wilberforce. Mr. *Wilberforce* said, that it was, doubtless, necessary for the right honourable gentleman, as a Minister, to act in so delicate a particular, with the utmost caution, and he might be justified in refusing what that House might take upon itself to do at once. The extreme scarcity of corn in France, and the state of perturbation in which that kingdom was well known to be at present, inclined him, and he should imagine, would incline the House, to grant every relief to that distressed country that could be afforded, without the risque of serious danger at home. If means could be taken to ascertain that this country would not be exposed to any very material inconvenience by so doing, he apprehended the people

people of England would have generosity enough to assist France on the present urgent occasion, and would even submit themselves to the slight inconvenience of a small increase of price, rather than not afford the neighbouring kingdom relief. They were not, in his mind, under such pressing circumstances, to act merely on what might be deemed the eligibility of the measure, but to shew that the extent of the distress of France made them willing to assist her, even at the expence of some inconvenience. It would be a deed of charity and benevolence which her distress claimed at our hands, and therefore he should conceive, the best way would be to lay the papers on the table, and if a farther inquiry should appear to be necessary, the House ought to enter upon it without delay.

Mr. Alderman *Watson* was persuaded that this country Mr. Ald.
Watson. would not deny a neighbouring nation any relief in their power to afford, without seriously inconveniencing themselves. He mentioned the high prices of wheat at market, where it had, that very day, risen considerably, and even so high as seven shillings the bushel. Could the state of necessity in France be made apparent to them, the people of this country, in his opinion, would willingly give France twenty thousand sacks of flour. If, therefore, the necessity was so pressing as it had been described, in the name of humanity, let twenty thousand sacks of flour be given to France; but he disliked the idea of exporting flour to sell to them.

Mr. *Dempster* argued for relieving France in this hour of Mr.
Dempster. her distress; twenty thousand sacks of flour, he said, could not injure this country, but might save the other from the grave; nothing, therefore, less than the fullest conviction that we were in danger of being in want ourselves, could justify the extreme selfishness of refusing to assist France at present.

Mr. *Drake* said, that he had, on a former occasion, resisted Mr.
Drake. a bill for allowing the exportation of hay to France, on the old maxim, that "Charity begins at home;" on the same principle, under the present appearance of things, he was inclined to resist the application for twenty thousand sacks of flour. Mr Drake declared himself, at present, particularly willing to shew favour to France. if it could be done without risque of danger at home; and he felt in this manner, not merely from a wish to allay the ferment of France, but in gratitude for her having participated in our late joy, and shewn the most indubitable marks of attachment and respect for the King of this country. He considered France at present as expiating her sins, for her (to use the gentlest term in her present situation) interference with America.

Major

Maj. Scott Major *Scott* wished to give France the relief her distress required, not only on the general principle of humanity but as a return for her very strenuous exertions to procure more merciful treatment, and for the liberty obtained in favour of a number of British officers and soldiers who had been, and were still suffering the most unheard-of severities and hardships, in confinement under the tyranny and oppression of Tippoo Sultan.

Mr. Orde Mr. *Orde* lamented that the present subject had come at all under discussion in that House, since it might lead to very great inconvenience. While the papers were lying upon the table, the price of corn would get up so as to produce all the effects of a scarcity at home. Mr. *Orde* alluded to what Alderman Watson had stated of the price of wheat that day per bushel, and said, he wished the right honourable gentleman had taken upon himself to do what to Government should appear proper to have been done, and to have come afterwards to Parliament for a bill of indemnity. He should have reposed implicit confidence in the right honourable gentleman's having acted for the best, and, he was persuaded, no Member of either House would have scrupled to have given their concurrence to a bill of indemnity brought in for such a purpose.

**The
Speaker.**

The *Speaker* observed that the extreme importance of the subject superseded all form, and prevented him from interfering in a conversation which was certainly disorderly. He rose, therefore, to make his apology for having suffered the conversation to go on, but he felt it to be so interesting that he could not prevail upon himself to put a stop to it.

Mr. Pitt.

Mr. Chancellor *Pitt* moved that the papers in question be laid before the House. He said it was impossible while that House was sitting for Government to act without the consent of Parliament. The price of corn was, at present, so high that the ports were shut; and from all he knew of the degree of pressure of distress in France, and the state of corn in England, he was not prepared to come forward with any proposition to that House. With regard to the discussion being likely to produce inconvenience, if it had been thought proper to pass a bill upon the occasion, the subject must have first been opened to the House, and the grounds of the bill publicly explained. The inconvenience, therefore, that was so much dreaded now would not have been less in that case.

**Sir Grey
Cooper.**

Sir *Grey Cooper* remarked, that in his first speech the Chancellor of the Exchequer had said, it would be a matter of convenience to France if leave were given to export 20,000 sacks of flour; and in what he had just said he mentioned the pressure of distress in France, which was undoubtedly a different

different thing. Seven shillings a bushel was a very high price, and its rising still higher would certainly be an inconvenience; he could have been willing, therefore, with perfect confidence, to have trusted the whole business to Government. If the pressure of the distress was very great, and we could afford to do it, every person must wish that we should grant the relief required, but, perhaps, it would have been better if the discussion had not taken place in that House, as it might tend to raise the price of wheat and wheat flour in the market.

Mr. *Windham* reasoned on the motives that had prevented Government from acting upon their own discretion in the present case, and said it must either be imputable to their consciousness of the jealousy of Parliament, or from Ministers being unwilling to take the whole responsibility on themselves. He declared he should have been inclined to have reposed confidence in their discretion. The best acts that Ministers did were often those that required an indemnity, and drew on them much public clamour; and it was not, he conceived, the practice of the right honourable gentleman's politics to shrink from an inconvenience of that nature. His reason for wishing Ministers to have acted upon their discretion, was a fear that the passing an act of Parliament would exceed the occasion, and that great inconvenience might arise from the discussion; whereas had Ministers acted as the nature of the case might have appeared to them to have required, they would have prevented both these evils, and the ill consequence of delay.

Mr.
Wind-
ham.

Mr. Chancellor *Pitt* said he was anxious that the papers Mr. *Pitt* might be produced, in order to shew that they did not make out the supposition, that there was any danger of actual want in this country, nor did he mean to have suggested any such idea.

Mr. Alderman *Newham* said that he knew what had come Mr. Ald. *Newham* out on the examination of the corn merchants before the Committee of the Privy Council. There was no very great stock of corn in hand, and the wheat did not look remarkably promising; but the quantity depended upon the weather; if it turned out fine weather we might have a good harvest; if, on the contrary, it proved wet and bad weather, the harvest would necessarily be less productive; and they could not pledge themselves to do any thing to the inconvenience of this country.

Mr. *Anstruther* remarked that every word he had heard pro- Mr. An-
ved the impropriety of the discussion having been brought on; struther.
and after what had just fallen from the worthy Alderman it became necessary to set the minds of the public at rest upon the subject as soon as possible, because the discussion that had
taken

taken place would no doubt occasion a temporary raising of the price in the market. Every man must wish that relief should be given to France, provided it could be done without much risque to ourselves; and it was at any rate, after what had passed, necessary to have the papers alluded to, since otherwise alarms would go abroad, that there was real ground for a belief that we were in danger of an approaching scarcity of corn ourselves.

The order of the day for resuming the Committee on the Tobacco Regulation bill being read. As soon as the Speaker had left the chair counsel were called to the bar, and heard. After which

Sir
Watkin
Lewes.

Sir *Watkin Lewes* lamented the lateness of the session, when a bill of that magnitude had been introduced, which involved not only a variety of interests, but a great constitutional question with respect to the extension of the Excise laws; he then made observations upon the examination of the witnesses at the bar of the House, and the arguments of counsel; and likewise took notice of the petition of the merchants and importers of tobacco into this country, which he had the honour of presenting that day, and concluded with a motion, "That the Committee adjourn for three months."

The House rose.

Tuesday, 7th July.

Mr. Chancellor Pitt brought up the minutes of the examination taken before the Privy Council, concerning the stock of wheat and flour now in the country for the supply of the kingdom.

The papers being ordered to lie on the table,
Mr. Pitt. Mr. Chancellor *Pitt* observed, that in his opinion the most proper way of proceeding would be to appoint a select Committee to take into their consideration the said papers, and report their sentiments to the House. He therefore moved, "That the papers be referred to a select Committee."—Ordered.

"That the Committee consist of the following gentlemen:

" William Pulteney, Esq.	
" W. Wilberforce, Esq.	" Sir Charles Farnaby,
" W. Hussey, Esq.	" J. Blackburne, Esq.
" Sir Edward Aftley,	" William Smith, Esq.
" S. Thornton, Esq.	" Marquis of Graham,
" Alderman Newnham,	" Hon. John Elliot,
" George Dempster, Esq.	" Bamber Gascoyne, Esq.
" Lord Westcote,	" Lord Mornington."

Mr.

Mr. Chancellor Pitt then moved, "That the Committee immediately withdraw, and consider the said papers."—Ordered.

The Committee immediately withdrew, and at length came to a decision concerning the requested exportation.

Mr. Pulteney, the Chairman, brought up the report, which was read at the table as follows :

"The Committee appointed to take into their consideration the minutes of the examination before the Privy Council, have considered the same, and come to the following resolution :

"Resolved, That from a comparative view of the prices of wheat and flour in France and England, 20,000 sacks of flour ought not to be exported."

The order of the day being read for the House going into a Committee on the Tobacco bill, Mr. Hobart took the chair.

Mr. Stone and Mr. Harrison were then called in as witnesses in support of the bill, and having been examined they withdrew.

Sir *Watkin Lewes* observed that the witnesses who were brought forward in support of the bill, had proved the case of the petitioners; the last witness had said, that the present bill with a little alteration would answer the purpose. What were those alterations? The preventing an Excise officer taking stock whilst under manufacture; that was the jet of the question; and here he begged leave to bring to the recollection of the House, to what did all the objections tend but to this point that it was impracticable to put the manufacture under the Excise laws; that it would tend to expose the secrets and mysteries of their trade, and drive the manufacture out of this country? The petition which he had the honour to present to the House, from the merchants, importers of tobacco, declared "that it will not only prove injurious to the manufacturer, but that it will tend to drive the manufacture out of this country, and will be of prejudice to the general trade in tobacco." If tobacco should be consigned to foreign countries instead of this, they would take the articles and commodities of those countries instead of taking the articles and commodities of this. Upon the whole, as he conceived the bill would be injurious both in point of revenue as well as general commerce to this country, he should move, "That the Chairman do leave the chair," convinced that if they went farther, it would be only taking up the time of the Committee.

Mr. *Dundas* declared that he could not consider the motion as either candid or fair; the Alderman ought to have let the Committee at least have gone into a discussion of the

clauses, when, if the bill was found to be objectionable, a motion to get rid of it would have come with much more propriety than at present. He wished that the honourable Alderman would withdraw his motion, and not give the Committee the trouble of dividing on it. All parties were agreed that smuggling in the article of tobacco existed to a very great extent; all agreed, likewise, that it was a fit object of taxation; he, therefore, had not the least doubt but that the House, willing to give the bill an ample and a fair discussion, would reject the present motion, and be willing to give the proposed bill a full and fair discussion.

Mr. Sam. Smith. Mr. *Samuel Smith* contended, that admitting the principle to be good, the clauses were inapplicable to it, and the regulations contained in them could not be carried into execution without the most intolerable oppression of the tobacco manufacturers, and the greatest injustice to that respectable body of men. He objected to the harshness of the several restrictions imposed by the bill, and said, that in no particular was it more palpable than in the tyrannous intrusion on the secrets of the trade, for which many tobacco manufacturers had paid a considerable price, and those who had by their superior skill and ingenuity acquired others, could, no doubt, at this day, obtain a very handsome premium for their communication. Mr. Smith maintained that the minutiae of several of the regulations were such as no liberal-minded man, possessed of the least spirit, could submit to. He adverted also to the manufacture of tobacco on the continent, and spoke of the flough imported from Dunkirk and elsewhere, declaring that the foreign manufactures and materials used in the tobacco trade were in such estimation that our manufacturers had been obliged to counterfeit the marks and names of the Dunkirk manufacturers, in order to give their goods currency and credit. He conceived that the bill could not pass into a law without injuring that revenue which it was intended to protect, and violating the feelings of individuals to such an alarming extent as policy and good sense could never justify.

Mr. Ryder. Mr. *Ryder* observed, that the arguments of the worthy Alderman and the honourable Member who spoke last, appeared to rest on two grounds, to neither of which he could subscribe. In the first place, the objections they had stated to the bill were rather reasons against its clauses than against its principle, and, therefore, they did not apply in the present stage of the business. In the next place, they went still farther to a general reprobation of the measure. With regard to the latter, he was persuaded, the majority of that House had not made up their minds to scout the principle of the bill; and, with respect to the former, if the honourable gentleman's arguments were founded, that was not the moment in

in which they could be heard with advantage. As to the bill being brought on at the end of the session, and, on a sudden, His Majesty's Ministers, it was well known, had been employed in consideration of the subject for the last two years, and so far from the tobacco manufacturers having been taken by surprize, it was equally well known, that they had been in possession of the bill nearly three months. That House also had been engaged in a laborious investigation of the subject for some weeks. Were they, therefore, to leave off at that period they would close their enquiry in its meridian, and while they had before them the fullest information, and the best means of intelligent discussion. Upon these considerations he had no doubt but that the Committee would concur with him in thinking that they ought not then to reject the bill, but proceed to a report.

Sir *Joseph Mawbey* professed himself as much an enemy to oppressive revenue laws as any man, but he saw nothing so terrible in the word Excise that it ought to prevent them from proceeding to try if the object of the bill could be attained without a violence to justice and a degree of severity to which the tobacco manufacturers ought not fairly to be subjected. Sir *Joseph* contended that every argument used by the worthy Alderman who made the motion, and the honourable gentleman near him (Mr. Smith) was misplaced and premature, and that the motion was preposterous and absurd. From what they had heard at their bar, it was evident that some alterations were necessary to be made in the bill, and these alterations could only be made in the Committee. On every consideration, therefore, the Committee ought to proceed to fill up, insert, and throw out what to them should appear most fit, in order to render the bill practicable and adequate to its end, without being too rigorous or severe against the individuals upon whom it was to operate. The object of the bill was confessedly important. It had been stated that upwards of four hundred thousand pounds a year had been lost to the revenue for many years past. If even a moiety of that sum could be recovered it was, surely, extremely desirable. Let gentlemen wait, at least, till the bill came to be reported, and then they would see what it was; and if it should appear to be liable to the objections which had been used against it, he would be as ready as any man to oppose its passing into a law.

Mr. Alderman *Sawbridge* remarked, that preposterous and absurd as it might appear, he sincerely applauded his worthy colleague for having made the motion. A strange excess of Antigallican spirit and aversion to French fashion seemed to have taken possession of the country. Because the French were struggling for freedom, and seemed likely to attain their

object, John Bull appeared to be determined in this instance, as in every other, to be the very opposite of France, and to court slavery. In the county in which he lived (Kent) the Excise laws were peculiarly obnoxious. [Several Members laughed.] Notwithstanding sarcastic laughter (added Mr. Sawbridge) the fact was so; nor was it in Kent only that the Excise laws were odious; they were the object of detestation throughout the kingdom. The Treasury Bench was always sure to be full when such bills were agitating, but were it not that the extremely advanced period of the session made it necessary that the country gentlemen should be elsewhere, attending their avocations, and were it possible that there should be a full House, he was satisfied the bill would meet with a powerful opposition. For the four last years the most important public bills had been brought forward in that late period of the session. Why that improper time was pitched on by the right honourable gentleman for the discussion of such topics every body knew. He trusted, however, there was so much public spirit left that the right honourable gentleman's design would, in this instance, be foiled; and although his wishes might not be fulfilled that night, he was in hopes they would in some other stage of the bill.

Colonel
Phipps.

Colonel *Phipps* said that it would be sufficient to meet the complaint of the worthy Alderman, that business so important should not be brought forward at the approaching period of a session, with the answer that no man could consider that circumstance without feeling his mind impressed with a melancholy reflection upon the cause which had occasioned it. This reflection, however, must necessarily be accompanied with the pleasing conviction that the cause was happily at an end, and that what appeared likely to overwhelm a whole nation in the deepest sorrow, had, by the providence of Heaven taken a turn, which filled the breast of every individual with the sincerest joy and the most heartfelt satisfaction. As to the Antigallican spirit of this country, alluded to by the worthy Alderman, he agreed that it existed in its full force, and manifested itself in this instance, as in every other, in the most striking manner. France was in a state of anarchy of the extremest distress; her revenues were in confusion, her resources exhausted, and her subjects in tumult and disorder. We were in a situation of a very different character; recruiting our revenues, recovering our resources, in perfect tranquillity, and with an encreasing commerce. That House had just heard the supplicant application of the Court of France. It had been, for wise reasons, in his mind, declared to be improper to comply with that application, although it was the general wish that the relief required should readily have been granted had the state of corn in this country justified such a measure.

measure. By endeavouring to put an end to smuggling, and enforce the receipt of the revenue, we acted most wisely, and must enable ourselves to give France, in the hour of her distress, that assistance which every liberal-minded Englishman must wish to administer.

Mr. Alderman *Newnham* declared, that he should have been glad if his worthy colleague had not made his motion that evening, but had rather persisted in it the preceding night, and he would fairly own, that the reason was, he feared they should not cut as good a figure on a division then as they would have done the evening before. The Alderman argued against the bill, and not more on the ground of its being inapplicable to the case in question, than because it was a manifest extension of the excise laws, to which he ever should firmly object, wherever such extension could possibly be avoided. He endeavoured to shew the improper power that the bill would give the Excise officers over the tobacco manufacturer, in various instances, and particularly mentioned the possible case of a manufacturer of tobacco supporting him, when he next stood for the city of London, in opposition, perhaps, to a candidate, a friend and favourite of the right honourable Chancellor of the Exchequer. In that case, the Excise officer, by way of punishment of the tobacco manufacturer, for supporting a candidate adverse to the Minister, might harass him with a most rigorous execution of his official powers, and put him to great and serious inconvenience. He did not mean to be understood, as thinking that this would happen, but as putting a strong case, in order to enforce and illustrate his argument. With regard to the declaration which had been made that the bare assertion of a reputable manufacturer of tobacco, as to his stock, would satisfy the Excise officer, he observed, that such declarations made previous to the passing of a revenue bill into a law, were little to be relied on; and in support of this argument, the Alderman mentioned what had passed in that House, when the wines were put under the excise laws. At that time, a right honourable and learned gentleman (then Attorney General) had said nearly the same thing, and that the bare assertion of any gentleman to an Excise officer, that he wanted to move a part of his stock of wines, would be sufficient. Had gentlemen found the fact turn out so? Directly the reverse. They had been obliged to go to the Excise office whenever they wanted to move their wines, to swear an oath before the Commissioners, and to pass through all the forms of office, the same as if they were dealers.

Mr. *Dempster* said, that the article of tobacco was certainly a peculiarly fit subject of revenue, and Government would not do their duty, if they did not endeavour to obtain more

Ald.

Newnham

Mr.

Dempster.

from

from it than it was clear had been hitherto received for the Public. On this general ground he approved of the bill, though certainly it required alteration. It was clear, from the evidence, that the idea of taking stock was perfectly nugatory, and there were parts of the bill inapplicable to its object. Trusting, however, that it would undergo material alterations in the Committee, he thought it better to wait till the report, before he offered his sentiments on the subject.

Mr. H. Thornton Mr. *Henry Thornton* conceived that the bill should have been suffered to proceed through the Committee, in order to have seen what could have been made of it; but as his mind was sufficiently made up upon the subject, and his objections were too strong to be done away, he could not do less than walk out with those who should vote for the Chairman's leaving the chair.

Mr. Ald. Watson. Mr. Alderman *Watson* went into a series of arguments to prove the bill inapplicable in its clauses, and that such means of rendering the revenue laws efficacious, were injudicious and delusive. He stated that the manufacture of tobacco originated in France; that such was the celebrity and reputation of several of the tobacco manufacturers of Flanders, and different parts of the Continent, that our manufacturers had been, for a long time, obliged to counterfeit the marks and stamps of the Dunkirk manufacturers, to give our manufacture currency in the foreign markets. He animadverted on the difficulty of taking stock in consequence of the different state of the manufacture from time to time, and after declaring that he could speak confidently on the subject, not having any reason to believe his ear had been poisoned by those from whom he drew his information, he said that he should vote for his worthy colleague's motion.

Sir Watkin Lewes Sir *Watkin Lewes* observed, that he did not know what right any gentleman had to question his motives: it was unparliamentary, and as he did not attribute any improper motive to any other gentleman, he had a right to expect that they would give him credit for the purity of his own, and he thought the reasons he had assigned justified his conduct. He owed no apology for his conduct, whilst he was convinced of the propriety of it, and he should think himself unworthy of his situation as a representative for the city of London, when called upon by his constituents, to make an apology for his conduct. The motion stood upon its own merits; the Committee would dispose of it as they thought proper.

The Committee divided on the question,

Ayes, 11; Noes, 53.

The Chairman was then directed to ask leave to sit again, and the House rose as soon as it was resumed.

Wednesday,

Wednesday, 8th July.

Mr. Chancellor *Pitt* having moved, "That the House re- Mr. Pitt.
" solve itself into a Committee to consider of licences to be
" taken out by manufacturers of tobacco and snuff," remarked, that it was deemed advisable to subject the tobacco and
snuff manufacturers to a licence; that he meant that they
should all take out a licence for forty shillings, payable in
November 1790; and that an increase of that licence should
be paid then, proportioned to the increase of the number of
pounds manufactured. The first forty shillings to be paid by
all who manufactured less than twenty thousand pounds, and
twenty shillings for every additional ten thousand pounds, so
that those who manufactured more than twenty thousand
pounds, and less than thirty thousand, should pay three
pounds; those that manufactured more than thirty thousand
and less than forty, four pounds, and so on in proportion.

The House resolved itself into a Committee accordingly,
and several resolutions were moved and carried.

The order of the day for going into a Committee on the
Tobacco Regulation Bill, having been read,

Mr. Alderman *Newnham*, adverting to the alterations in- Mr. Ald.
tended to be made in the bill, desired the right honourable *Newnham*
gentleman (Mr. Pitt) to inform him, whether it was to be
understood that the bill should be re-committed, as it was
not meant to debate it clause by clause in the Committee?

Mr. Chancellor *Pitt* answered, that although the honour- Mr. Pitt.
able Magistrate could not suppose that it was either in his
province or his power to ascertain that which must ultimate-
ly be at the disposal of the House, he was desirous of afford-
ing him every possible explanation. In conformity to this
sentiment, he was willing to give up that part of the bill
which subjected the snuff manufacturers to having their
stock taken during the process of manufacture; by this al-
teration the manufacturers would be rescued from what they
appeared to dread, the danger of having the secret of the
manner of preparing their snuff pried into; and he thought
by the comparison of what was the amount of their stock,
previous to their manufacture, with the quantity of manu-
factured goods, after the manufacture was finished, the stock
might be tolerably well ascertained. The objections relative
to the storing of tobacco, appeared to him to be exceedingly
exaggerated; but the whole of that point might be discussed
in the Committee, or upon the report.

The Speaker, upon motion, left the chair, and Mr. Ho-
bart took his seat at the table.

Mr. Alderman *Newnham* pressed urgently that the Chan- Mr. Ald.
cellor of the Exchequer would either consent to agree to re- *Newnham*
commit

commit the bill, in case the tobacco merchants and manufacturers' Committee, with whom Mr. Pitt had consented to have a meeting in the morning, should not concur in opinion, or that he would consent to adjourn, and not go into the Committee, till after the meeting, contending that it would, on the whole, save time, if he agreed to either of these propositions, as they must otherwise debate the bill in the Committee clause by clause.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he could not consent to make an unparliamentary bargain with any set of men, not Members of that House. Upon the Report, as he conceived most of the objections to the bill would be done away by the alterations that he had suggested it to be his intention to make, the few objections which might remain could easily be stated while the Speaker was in the chair, and if it should appear to any gentleman, interested for the trade, that the bill ought to be re-committed, it would be at the option of such Member to move its re-commitment, when the House would, no doubt, govern itself by a due consideration of the degree of necessity of re-commitment, and act accordingly.

Mr. Hufsey. Mr. *Hufsey* conceived that, as the alterations stated by the right honourable gentleman, though satisfactory, were exceedingly material, the bill, in its amended state, ought to be re-printed, when it came out of the Committee.

Mr. Pitt. Mr. Chancellor *Pitt* contended, that the re-printing would create a very serious delay, and that it was altogether unnecessary, since the alterations would be communicated to the trade, and, if any gentleman wished it, he might have them in writing, when they came under discussion.

Mr. Wigley. Mr. *Wigley* observed, that he was instructed by his constituents to oppose the bill, and principally those clauses which the right honourable gentleman had given notice of his intention to alter; but such intimation having been given, he thought it most adviseable to go into the Committee, and wait for the report, before he said any thing against the bill, in order that he might see how far it was modified, and cured of objection.

Mr. Pitt. Mr. Chancellor *Pitt* repeated his argument that the conduct of the House must necessarily be left to its own disposal; that no individual Member could presume to make its conduct a condition either with any other Member or set of Members, much less with persons without doors; but that no doubt the House would be inclined to shew every proper degree of attention to the interests of the tobacco manufacturers, and if any gentlemen, Members of that House, upon the bringing up the Report, shewed good grounds for a re-commitment, and made a motion accordingly, the House would, no doubt, be disposed to adopt the proposition.

This

This declaration was acceded to.

Mr. *Dempster* spoke of three particulars which struck him as objectionable in the bill. One relative to drawbacks, another relative to the erections of snuff-mills on streams, and the third on a different part of the bill. Mr. Dempster.

He was answered by

The Marquis of *Graham*, who stated that two of the objections were irrelevant, and the third was meant to be provided for in the Committee. Marq. of Graham.

The Committee at length went through the bill; and the House being resumed, adjourned.

Friday, 10th July.

Mr. Chancellor *Pitt* observed, that probably, upon the ensuing Monday, he should beg leave to trouble the House with a motion relative to the exportation of corn. He had just received information, that at a port on the coast of Sussex, (New Shoreham) the price of corn had fallen suddenly from 48s. down to 44s. so that they could export it with the bounty; that, in consequence, eight thousand sacks of flour had been shipped for Havre de Grace, with the bounty. He had been made acquainted with the circumstance by a Custom-house officer on the spot, who very properly sent the intelligence to him as soon as possible, and he had received it but a very short time before he came down to the House. The officer had informed him, that the entry had been made in the name of a cornfactor of the city of London, and as it appeared that corn still kept up to the high price of 48s. in every other place in the neighbourhood, and as the quantity sold at 44s. in order to justify the exportation, was exceedingly small, there was every reason to think the sale fictitious, and the whole transaction fraudulent. It might be necessary, therefore, to pass a short bill upon the occasion; but he had thought it adviseable to wait till Monday to consider of what was proper to be done, and he embraced the earliest opportunity, in the mean time, to acquaint the House of the circumstance, and to inform them, that he had taken upon himself to write to the officer to stop the intended exportation. Mr. Pitt.

Sir *Grey Cooper* considered it as highly proper and necessary to prevent the exportation, not only from Shoreham, but from every other port, till a bill could be passed. If there was any irregularity in doing it, Parliament would very readily agree to a clause of indemnification. Sir Grey Cooper.

Mr. *Sheridan* now rose, and introduced the points which led to his intended motion for a Committee of Finance, with the remark, that considering the importance of the business on the discussion of which he was about to enter, he felt that he ought to have submitted it to the House at an earlier Mr. Sheridan.

period of the session, when a fuller attendance of Members might be expected, and those who did attend, might have been more disposed to bestow on it that degree of attention which an inquiry of so much importance to themselves, their constituents, and the nation at large, demanded. That he had not done so, was owing to a right honourable gentleman, (Mr. Chancellor Pitt) who, according to his usual custom, had deferred opening the budget, till a period of the session which he thought likely to render any subsequent examination of his own statement of the finances impracticable. After this and the other necessary previous steps of moving for papers and accounts had been taken, yesterday was fixed on as the day; and he had come down with his head full of figures a few minutes after four, but, unfortunately, the Speaker had entered into a previous calculation, and finding a *deficit* of Members, a deficit which he could not help thinking ominous of a deficit in the finances, he executed his duty, and adjourned the House. The surplus of Members, now that he was speaking, was not great; he was afraid the surplus of the revenue would be less. By the delay of a few days, which he had agreed to, that the Chancellor of the Exchequer might not be deprived of the assistance of his right honourable friend (Mr. Grenville) who had been Chairman of the Committee of Accounts in 1786, some advantage had been obtained, in as much as it had given time to move for additional papers to correct the errors of those for which he had formerly moved. He could not, however, see the reason why the Chancellor of the Exchequer should have been so anxious for the assistance of his right honourable friend, since any other Member of the Committee might have been able to explain and defend the Report; and since the Chancellor of the Exchequer himself, who had adopted the principles and the calculations of the Report, might have been supposed to be fully master of what he had thus made his own, and capable of refuting any objections that could be urged against it. Had the budget been opened, as it certainly might have been, before the present Speaker was voted into the chair, the Chancellor of the Exchequer must have been deprived of the assistance of his right honourable friend; who must have remained mute and immoveable in the chair, like a magician tied by his own spell, without the power of succouring his friend, whatever might have been his distress, or however loudly he had invoked his aid. That right honourable gentleman was now advanced from the dignity of Speaker, to speak in the language of a noble Marquis near him, to the higher dignity of Secretary of State; and not only to that, but also to the post of Deputy Chancellor of the Exchequer. His right honourable friend, taking example from the Uni-

versity.

versity which he represented, conceived that there ought to be a Chancellor of the Exchequer, to enjoy all the honour and the patronage of the office; and a Vice Chancellor, to take upon him the labour and the drudgery of investigating accounts. Much as he respected the abilities of the right honourable gentleman who had been so earnestly called to office, he was not afraid to encounter them on the present occasion. Standing as he did on figures and fair indisputable calculation, he dreaded not the opposition of the first abilities, whether separate or conjoined.

Upon this occasion, he should assume as a leading principle, what he supposed would not be denied, that the state of the finances ought to be fully examined and fairly made known to the country; that, in order to confirm in the minds of the people that confidence in the Legislature, which alone could make them cheerfully submit to the burdens imposed upon them, they ought to be made acquainted with the full extent of the public debt, revenue, and expenditure; and, instead of being imposed by flattering prospects and temporizing projects, have their true situation at once laid before them. If it should be maintained that there ought to be delusion, that the people, to be induced to bear, must never be permitted to judge, what he had to offer would be impertinent; but if it was once admitted that there ought to be a public investigation of the public revenue, there could be no difficulty in repeating that sort of inquiry that had been made before, examining how far former calculations had been verified by experience, and making, if necessary, a new statement of the public resources, and the public expenditure. He did not propose to do this, because he thought that the result of the inquiry would afford cause for despondence. The resources of the country, he was persuaded, were more than equal to its burdens. The only danger was in shunning inquiry, in endeavouring to gloss over the one, and neglecting to draw forth the other. He did not mean to ascribe the least blame to the Chancellor of the Exchequer, for endeavouring to begin the liquidation of the public debt in 1786; what he blamed was, that when he came to wind up the expences of the war, he had not fortitude and candor to state the account fairly. At the end of a war, which, though expensive and partly unsuccessful, had been glorious—which had displayed the power and the resources of the nation—which had exhibited it contending against the united force of France, Spain, and Holland, repelling their attacks, and scattering their fleets, the people had intrepidity and patriotism enough to have looked their true situation in the face, and to have submitted to taxes necessary to maintain a peace establishment, pay the interest of their debts, and pro-

vide a surplus for their gradual liquidation. But when they found, after being told that they had such a surplus, and after four years of profound peace, that instead of reducing their expences, they must bear new taxes to pay the interest of fresh loans, they must lose all confidence in the right honourable gentleman, in whom their confidence had been so gratuitous and unbounded; they must lose all confidence in the Government, all confidence in their own representatives, and look on themselves as meant only to be deceived and oppressed. Granting that a change of Administration had taken place on an occasion when, they all recollected, it was generally expected, what would have been the effect of this deception? The people had been told that they had an annual million surplus; they were incessantly told, he would not say from authority, by all the Ministerial prints, that they might look for another million surplus; and the delusion was still farther increased by the Minister himself, who had repeatedly said that an extraordinary and unforeseen expence of 600,000*l.* would be defrayed without any extraordinary supply. This sum, in four years, was only 150,000*l.* a year, and to compare the revenue of a nation with that of an individual, if a person, with an estate of 16,000*l.* a year, should not be able to bear an unforeseen expence of 150*l.* a year, without borrowing, his expences must be very ill accommodated to his income, or he must be a very bad economist. Such, however, was the case: when the Chancellor of the Exchequer stated this sum as part of the expences of the year, he had never said that an extraordinary supply would be wanted on account of it. On the contrary, he had remarked, that he was happy to find that no extraordinary supply would be necessary; which meant, if it meant any thing, that the revenue was sufficient to provide for this sum and the surplus million also. Suppose then a change of Ministry to have taken place, the Duke of Portland to have been appointed First Lord of the Treasury, and Lord John Cavendish to have testified his zeal for the public service by undertaking the office of Chancellor of the Exchequer, and to have come to Parliament to propose a loan for this extraordinary expence, and taxes to pay the interest, as his first official act, what would have been the consequence? Nothing would have been heard but clamour. “Mr. Pitt,” it would have been echoed from one end of the kingdom to the other, “kept up public credit, and provided a surplus; these men “borrow money, lay taxes, and squander the revenue by “anticipation.” Had they done what it would have been their duty to do; had they stated once for all the true situation of the finances, borrowed whatsoever sums it might have appeared necessary to borrow, and imposed taxes to pay the
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the interest, the clamour against them would have been much greater. Had they done, on the other hand, what some people would have thought more for their own convenience; had they temporized with the state of the finances, had they eked them out by tricks, bolstered them up by expedients, and thereby continued the delusion, the deception must have gone on till it was too gross to be concealed; the bubble must have burst at last, and all confidence in Parliament would have been lost.

After this exordium, which, Mr. Sheridan contended, was not extraneous matter, he stated the four propositions that he meant to establish; propositions, in fact, founded upon the Report of the Select Committee*. They were in substance as follow:

That the Report of the Committee, appointed in 1786, to examine and state the several accounts relating to the public income and expenditure, and to report the probable amount of the income and expenditure in future, does not appear to have been founded in fact, nor verified by experiment.

That, for the three last years, the expenditure has exceeded the income two millions, and may be expected to do so for three years to come.

That no progress has hitherto been made in the reduction of the public debt.

That there is no ground for rational expectation, that any progress can be made without a considerable increase of the annual income, or reduction of the expences.

The first circumstance to be considered was—Did the report of the Committee, and the Chancellor of the Exchequer, who adopted all the calculations and all the reasoning of that Report, hold out the expectation, that after 1786 there would be no necessity for a loan? An honourable gentleman (Mr. Steele) had asserted, on his recollection, that the Chancellor of the Exchequer did not thus calculate and reason; but that he stated the probability of a loan of one or two millions. Mr. Sheridan contended, that the right honourable gentleman had asserted that he would, by taxes, and regulations of taxes, make the revenue equal to the expenditure, including the million surplus for the reduction of the public debt. He would not, however, argue from memory, but refer to the internal evidence of the Report. The Report stated what might be expected to be the amount of the annual income and expenditure, also what might be expected to be the amount of the extraordinaries; not, indeed, of the army, the navy, or the ordnance, (these were beneath the

* For all the particulars of this Report, we beg leave to refer our readers to the publication, by Debrett, in Piccadilly.

notice of the Committee) but of the miscellaneous services. They had erred, however, in their calculation, as appeared by the event, to the amount of 600,000*l*. The Report next stated the extraordinary means, and on a comparison of the one with the other, concluded with this observation: "Up-
 " on the whole, your Committee conceive that the means of
 " defraying the expences, exclusive of the average income
 " above stated, may be expected to be sufficient for the pur-
 " pose." In considering the extraordinary means, the Committee had, moreover, adverted to a loan, although they had computed the extraordinary services, till the year 1790, at three millions, which, he contended, would amount to twelve; and having adverted to it, had stated their reasons for thinking it would not be necessary. It was, therefore, obvious, that after having had it in their contemplation, they had laid aside the idea of a loan, when they stated the extraordinary receipt as equal to the extraordinary expenditure. Of these fancied resources the Crown lands and unclaimed dividends had produced nothing. He did not mean to argue that they ought to have been productive, but only to blame the fallacy of holding forth visionary ideas of revenue, and calculating on them as real. The concluding paragraph of the Report went still farther; it stated, that the then subsisting taxes, if the due collection could be enforced by means adequate to the purpose, would probably afford an ample provision for any deficiencies which might at any time be found, either in the extraordinary resources, or in the particulars which compose the general income of the Public, and would insure a permanent annual surplus applicable to the reduction of the national debt. There was not only provision for all extraordinary expences and unforeseen deficiencies, but an exuberance of revenue; after stating which, it was impossible that the Committee could have held forth the idea of a loan, or that the Chancellor of the Exchequer, when he adopted the Report throughout, could have said that a loan to any amount was probable. A loan, however, had actually taken place, and so far the calculation of the Committee had failed.

The Committee had estimated the annual income, exclusive of the land and malt tax, at 12,794,471*l*. The Chancellor of the Exchequer had stated it, for the last year, and as what it was likely to amount to in future, at 13,007,642*l*. and had asked him, with an air of triumph, if he did not admit that the estimate of the Committee had been not only verified, but exceeded? Had this been the fact? The produce of the first year, after their calculation, had fallen 300,000*l*. short of it. He was aware he should be told that this had been an extraordinary year, and that the customs had

had fallen short on account of the commercial treaty being then in agitation. This was a fair argument with regard to that year; but, if it was improper for him to argue from a year particularly unfavourable, so was it for the Chancellor of the Exchequer to calculate on any one year particularly favourable. The Committee had turned their backs on an average of several years, which was the only true ground of estimate, and the Chancellor of the Exchequer rested his estimate on the produce of the last year. Rejecting an average, was the blunder of the Committee, and the Chancellor of the Exchequer now copied their example. They calculated on one year, he calculated on another; and both of them were favourable. If they meant to take an average of two years only, the year preceding and the year following the commercial treaty, were the proper years; because as much as the customs were injured by the expectation of it the one year, so much would they naturally be increased the year after it took place; as every man who delayed completing his stock of brandy or French wine, in the hope of importing at a reduced duty, would import so much the more as soon as the duty took place. The commercial treaty, however, had now its full operation on every branch of the revenue; and if the average of the last three years were taken, it would appear that the produce was about 30,000*l.* less than it had been calculated by the Committee. The neat produce of customs, excise, stamps, and incidents, from 5th January, 1786, to 5th January, 1787, was 12,389,555*l.*; from 1787 to 1788, 12,923,134*l.*; from 1788 to 1789, 13,007,642*l.*; the average of which was 12,773,443*l.*; deficient, as he had stated, about 30,000*l.*; and the same would be the case, whether reckoned from January to January, or from April to April. This deficiency was not great, but it was not the whole deficiency. The Committee calculated on the then subsisting taxes, and since that time, some open and much greater clandestine additions had been made to them. By the amount of all these additions, added to 30,000*l.* did the revenue fall short of the calculation. The Chancellor of the Exchequer had openly laid taxes to the amount of 100,000*l.* in order to make up the surplus million; and he had had recourse to other taxes which he did not avow, but which, under the specious name of regulations, were as much levied on the subject as if the same sums had been raised by new taxes under a new name. He did not disapprove of increasing the revenue; but he disapproved of laying taxes any way but openly. The Chancellor of the Exchequer might have reasons for acting otherwise. He knew that his word was pledged that no more taxes would be necessary. His credit was at stake; and what he feared to do openly, and by its
proper

proper name, he chose to do clandestinely under a specious colour. Had he owned his mistake, and come fairly forward, the House and the public would have readily allowed that calculations of revenue were liable to error, and he would have lost no confidence; but being once in a mistake he determined to persist, and while he professed to be making provisions against smugglers, was himself smuggling a tax under the wrapper of a regulation.

Mr. Sheridan now proceeded to reckon up the amount of the tax on wood imported, of the additional tax on paper, on the Scots distillery, licensing ale-houses, and the consolidation act, which being added to the resources calculated on by the Committee, ought to have produced, on an average, 300,000*l.* above their estimate. There was, therefore, a defalcation of that sum on the produce of the permanent taxes. He next calculated the amount of the land and malt tax, which, although regularly taken by the Chancellor of the Exchequer at 2,750,000*l.*, did not produce, on an average of three years, more than 2,430,000*l.* The whole annual produce of all the taxes, including the land and malt tax, on an average of the last three years, was only 15,203,000*l.*, less by about 200 000*l.* than estimated by the Committee; and if to this were added the 300,000*l.* arising from taxes, on which the Committee did not calculate, their estimate would appear to be erroneous by about 500,000*l.* And yet, this was not all; the resource suggested by the Committee of increasing the revenue by securing the collection of taxes, had been applied to: and had it succeeded? had it done what they prophesied it would do? He held in his hand titles of bills for regulating taxes sufficient to make a long, although not a very entertaining, pamphlet; so that either the calculations of the Committee had been egregiously wrong, or the regulations had been good for nothing. The right honourable gentleman who had been Chairman of the Committee, and was now to stand forth as the champion of the Report, might say to the Chancellor of the Exchequer, "you have
 " been new modelling this tax, and regulating the collection
 " of it; you have been tampering, tinkering, and extending
 " the Excise laws; but you have done me no good; you have
 " not added a shilling to my calculation." Or the Chancellor of the Exchequer might say to his right honourable friend;
 " No; that is not the case; my regulations were all produc-
 " tive, and, but for them, your calculations would have
 " been deficient more than a million."

Some such contest there must be between the two right honourable gentlemen; how they would settle it he could not tell. It was the uniform practice of the Chancellor of the Exchequer, not the effect of accident or necessity, but of
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system and choice, to bring forward his tax bills at a period of the session when he was sure they could not be attended to. If it arose from honest idleness there would be some excuse; but it proceeded from design, and the end was obvious. In the middle of summer he knew many gentlemen would be withdrawn to attend their own affairs in the country, and of those who remained in town few would be disposed to sit and discuss with him regulations of taxes. This revenue barge lay snug in port during the stormy winter months; but, when summer had warmed the air and smoothed the tide, then she put forth, loaded gunnel deep, secure that no rude blast or angry wave would upset and sink the precious cargo. He, himself, on enquiring why the Minister was so indolent and dilatory in bringing forward public business, had been told by a friend of his, that "it was not indolence, he only waited till the gentlemen were gone into the country." Then it was that he enjoyed the cool and quiet pleasures of the Treasury Bench, and called the two Secretaries, like two rival shepherds, to chaunt alternate strains on Excise. He had objected a few days ago to one of his bills, on account of the discordant matter, cocoa nuts, cockets, and tub boats, it contained; and he had been told that hotch-potch bills were common, and saved the multiplication of acts of Parliament. The only reason which had originally given rise to such bills, was the jealousy of the country Members of keeping the Committee of Supply too long open. Rather than do this they had sometimes consented to such bills being brought in, as the less evil of the two. But all the Minister's revenue bills were hotch-potch bills; for, if they were not so when first brought in, they had so many things altered, amended, and added, before they went through, that the original bill was hardly to be traced. The bill, for instance, to which he had alluded, when it came into the House, was a very good tub-bottom bill; before it passed the Committee it had a false keel clapped on it, and became he knew not what. The right honourable gentleman was at as much pains to make laws so as to escape observation, as the smugglers were to elude the efficacy of his laws. The consequence was, that they were generally so inadequate to their purpose, as to be of no use, or so absurd and impracticable that he was obliged to suspend the operation of them, and come to Parliament during the next ensuing session to revise and amend them. The suspension of acts of Parliament by the Lords of the Treasury, which had been treated so lightly when he mentioned it before, was a very serious evil; for independently of the extent to which the practice, once sanctioned by a sort of prescription, might be carried, it was a serious evil to teach the people to distrust their representatives, to

consider the Legislature as their tyrants and oppressors, and to look up for every act of grace or favour from the Crown. If bills were to be passed without proper examination, it was better to add a sweeping clause, "That whereas this bill" may prove to be impracticable or absurd, be it enacted "that the Lords of the Treasury have power to suspend the" operation of the same." The resource to be derived from regulating taxes had been applied to, and without it the Committee would have been compleatly put to shame. With regard to how far arts and manufactures had been injured, or trade impeded, by the severity of these regulations, he should not then enquire.

Mr. Sheridan next entered upon an investigation of the expenditure: And there (he said) it might have been expected that the most valuable of all resources, the resource arising from economy, would have been tried. Instead of that, in proportion as the revenue did not rise to its supposed standard, the Minister had gone on with progressive prodigality, increasing the expence. He proceeded in the same way he had done with the revenue, to take an average of the expenditure for the three last years, making 15,930,000l. a year. Of the various articles composing this sum the only one in which a reduction appeared probable, was that of miscellaneous services. This, on the same average, was 649,000l. a year. Did it seem likely that it would ever fall so low as 74,000l., the sum it was stated at by the Committee? Mr. Sheridan recapitulated the various items which composed this article, commenting on each, and asking which of them was likely to be less for several years to come? Would the Chancellor of the Exchequer say, that, considering the number of the Royal family, that some of them must have separate establishments, and some of them might be disposed of in marriage, 200,000l. would be sufficient to make good the deficiencies of the civil list for the next five years? Were the claims of the American loyalists liquidated? Was the expence of Botany Bay at an end? Had the Duke of Richmond no more powder mills to buy, or walls or forts to build? Would the salary to the Secretary to the Commissioners for reducing the national debt cease? Was Carlton House yet finished? These, with a few others equally permanent, were heads that made the miscellaneous services amount on an average to the sum which he had stated; and could it be imagined that they would ever be reduced to 74,000l.? It was also to be observed, that of the three years on which he had calculated the whole public expenditure, the second exceeded the first, and the third the second. But, this was not all; the Navy bills, after every profession that they should never be suffered to exceed the sum stated by the Committee,

as the probable fixed amount of the floating Navy debt, were encreased 600,000*l.*, and 1,400,000*l.* of them were now bearing interest. If, to the average expenditure before stated, was added one-third of this encrease of the Navy debt, and the sum issued to the Commissioners for the reduction of the public debt, the whole annual expenditure would amount to 17,144,000*l.*, exceeding the average income by more than 1,940,000*l.* Such was our present situation! The expence of the current year was something above this estimate, and the next could not be expected to be much less. If, therefore, we were to start on a level, we must first sweep off all the miscellaneous services above 74,000*l.* a year, which could not be done for less than two millions; so that in addition to the two millions deficiency of the revenue, as before stated, two millions more must be added, to bring the miscellaneous services to the estimated peace establishment. The exceedings of the Navy had been stated by the Committee at from 2,000,000*l.* to 2,800,000*l.* Comparing this with Sir Charles Middleton's account, it would appear to be erroneous, but taking it as stated by the Committee, with the 600,000*l.* actual addition to the Navy debt, in three years it would be 1,880,000*l.*, and the amount of the whole, in five years, 9,400,000*l.* Add to this the two millions before mentioned, as necessary to reduce the miscellaneous services to the estimated peace establishment, and the whole would be very little less than twelve millions, expended in five years, more than the annual income. Having cleared away this, or provided taxes to pay the interest, we must then either raise our income, or reduce our expence 1,800,000*l.* a year, before we could be in the situation to which the Chancellor of the Exchequer boasted that he had brought us.

Upon this occasion it seemed extremely natural to enquire how we had supplied so great a deficiency, and paid off three millions of the funded debt? The Committee had calculated on outstanding debts, and there was on the table a paper very inaccurately made out, containing an account of these, to the amount of 1,500,000*l.*, deducting the profits of the lottery, which ought not to be included in it. The Chancellor of the Exchequer had taken credit three times for a debt due by the East India Company. The Company, indeed, disputed the debt, but the right honourable and learned gentleman near the Minister (Mr. Dundas) had truly said, let us get the money from them, and see how they can get it back again. This was an irresistible argument, and on the strength of it 300,000*l.* had, after much wrangling, been obtained from the Company, under promise of re-payment, if it should hereafter appear not to have been due. If it was a debt, in

Heaven's name let it be paid; but if it was not, and the Company advanced it only as a favour, it must be repaid with interest some time or other, and the favours of the Company generally cost the public, at least, tolerably dear. The Directors had drawn up a state of the claim to be sent out to their servants in India; but as it was necessary that it should pass through the hands of the Board of Control, that Board had altered it, and obliged the Directors to send out not their own state of their case, but the Minister's. After all, the claim was not yet finally admitted, and there were great doubts whether it would be or not. When he found the Company borrowing of the public under the sanction of the Minister, and the Minister borrowing again of the Company, he could not help considering it as a pleasant sort of reciprocity between the two parties, in which the one said to the other, "I will find you credit; and do you find me money." It was surely not going too far to say, that a Minister must have been extraordinarily pushed for money, when he had recourse to such extraordinary means of supply. To the resource of outstanding debts must be added the profits of the lottery, which ought never to be considered as a source of permanent revenue; for, it was certain, that however the revenue might be benefited by it, the people were sure to lose both in their morals and their industry; what was lost by the people, was, in fact, lost by the public; and so pernicious a mode of raising money ought never to be resorted to but in cases of great necessity. But both these amounting to 3,079,812l., not being half the exceedings, he came to his third proposition, that we had made no progress in the reduction of the public debt, but that in fact we had borrowed as much as we had paid.

It was during the year 1785 that an extraordinary million of Exchequer bills had been voted, not for the current services of the year, but to answer any unforeseen demands which might occur. The probability was that they would not be wanted; if not wanted they were not to be issued; and were positively to make no permanent addition to the public debt. When the Chancellor of the Exchequer conceived the plan of establishing a new sinking fund for the reduction of the public debt, he found it convenient to make use of these bills, and 900,000l. of them were actually issued after the 22d of February 1786, as appeared by the account. Would he have done this if he had not had in contemplation the commencement of his operation to reduce the debt? Had he not done this he would have been deficient to the amount of these bills; so that, in truth and in fact, he as much paid off the first annual payment of the debt with these bills, as if he had carried them in his hand to the Stock-Exchange; and the

the only effect of the operation was to change one sort of debt to another, at a trifling expence to the Public. On this account, however, he should only take 750,000*l.*, the sum actually issued to the Commissioners for reducing the public debt in 1786. By anticipating the sinking fund a quarter in 1786, and taking credit for four quarters next year instead of three (as had been formerly done on similar occasions) the Minister got 628,000*l.*, which would appear on winding up the accounts to any given period to be as much debt as if the money had been actually borrowed. The Committee had stated the Navy debt at 1,712,489*l.*, but added, that, from the delay in calling for payment of many of the charges of which it was composed, a floating arrear to that amount might generally be expected to subsist; and as it neither bore interest nor would require to be funded, it could not occasion any additional charge to the Public. This might have seemed a pledge to the Public, that no part of this sum was to make part of the public debt. It appeared, however, that 550,000*l.* had been added to the capital, and that 1,400,000*l.* of it now bore interest, and was consequently in operation and in substance an addition to the public debt. To this ruinous expedient of paying interest on unfunded debt, which had been so pointedly reprobated in His Majesty's speech, had the very Minister who advised that speech thought proper to resort. He would, however, put 900,000*l.* of this sum out of the question, although he really felt that he was hardly justifiable in doing it, and take only the addition to the capital with the interest, making together 600,000*l.* On the next article, the tontine, there would be no dispute. By this expedient, it was very generally believed, that the Minister had made no addition to the capital of the public debt. The point (he understood) had been gravely debated in various places, and it was pronounced to be no addition. People, to be sure, did not know very well what to make of it. It was not a loan, it was not an annuity, but it was a sort of anodyne, an expedient for borrowing money without running in debt, which they did not comprehend. Keeping in mind, however, what a right honourable friend of his (Mr. Fox) had truly stated, the Public owed no debt, as it could not be called upon to pay the principal, but annuities to a certain amount; the tontine was as much an addition to the aggregate of the annuities to be paid by the Public, as would have been made by any other species of loan. It was true it would extinguish itself in time; and he did not blame the Minister for having entered into a contract of finance with Death, nor was it much to his purpose to argue whether it was a better or a worse mode of raising money than any other; but he did not give him credit for any very deep reason in adopting it.

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It was provided in the surplus bill, that, in all cases of a loan in the usual way, the Commissioners for reducing the debt should have preference as subscribers. If the Minister had made his bargain in the usual way, he knew that the Commissioners would have subscribed the whole, and he would have received from them with one hand what he paid them with the other, deducting only the expence of brokerage, which would have put the absurdity of pretending to reduce the public debt, while he was adding to it in the same proportion, in too glaring a point of view to escape public notice and derision. The point was plain enough as it was; but it did not strike the observation of the multitude. The amount of this, with a *bonus* of one quarter, instead of a gain to the Public of three quarters per cent. as the right honourable gentleman had originally stated his bargain, was 1,002,500*l.* The short annuities granted to raise 200,000*l.* to make good the like sum issued from the civil list for secret services were charged on the consolidated fund, and, in that respect, were an addition to the debt. But it was contended, that the money would be repaid by instalments in eighteen years, having been lent to the province of Zealand. Whoever considered the new situation in which we stood with regard to continental affairs, an advantageous situation he admitted, would incline to think that, in the course of eighteen years, we were much more likely to advance double the sum on a similar account. But granting that it would be repaid, provision ought to have been made for applying the instalments, as they were received, to the payment of the annuities, instead of leaving them open to be diverted to other purposes by the influence of the present or any future Minister. The principle of the surplus bill was, that Parliament would not trust themselves; and the same principle ought to have been applied here. This House, he trusted, would therefore give him credit for candor, in not taking this sum also into the accounts. The result, then, was, that since the year 1786, we had paid of the funded debt, three millions, and that we had borrowed, by Exchequer bills, 750,000*l.*; by anticipation of the sinking fund, one quarter, 628,000*l.*; by increase of navy debt, 600,000*l.*; by a ton-tine, 1,002,500*l.*; making together about as much as the sum paid off. If the 900,000*l.* navy bills bearing interest, which he had omitted, were added, the sum borrowed would exceed the sum paid by almost a million; and if the interest of the debt contracted were compared with that of the debt paid, it would exceed it in the same proportion. Such was our present situation, and such was our prospect for the year 1790, when we had been told that every thing was to be reduced to a firm establishment,

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Mr. Sheridan declared, that he did not blame the industry of the Minister in endeavouring to pay off the public debt; but it was his principle that he blamed. The principle on which he acted was, that whenever the Public wants money, you are to break down every barrier of the Constitution, every fence of private liberty, to extend the excise laws, and deprive men of their most valuable privileges, that of trial by jury, in order to obtain it. He, on the other hand, maintained, that because money was necessary for the public service, it ought to be obtained by the most delicate means. The public debt he thought the heaviest burden on the constitution; for, he considered every hundred pounds of it as a perpetual mortgage in the hands of the Crown, capable of being perverted to the most corrupt purposes of influence or oppression; and therefore he would sacrifice much to be relieved from it. If to open private dwelling-houses to the rude intrusion of a ruffian Excise officer, if to deprive men of trial by jury, were matters of indifference to him, yet his regard for trade, the great source of revenue, would deter him from having recourse to such methods of increasing it. When we talked of the trade of this country, and the inexhaustible resources which it afforded, as the great props of our greatness, we mistook the effect for the cause. To our constitution, and the manly confidence of every man in the success of his own industry and exertions, which it inspired, were we indebted for our trade, and not to our trade for our constitution. To attempt to increase the revenue, by injuring the constitution, was like taking from the foundation to mend the roof, like digging up the roots of a tree for use, instead of lopping the boughs. Having said so much on his propositions, he should only beg to be heard in explanation, at the close of the arguments which were to be urged against them. He should move no resolutions on the papers before the House, but propose to refer them to a Select Committee of independent Members, who were neither in office, nor candidates for being in office. He meant no reflection on the former Committee; but, he could not think it creditable to the Minister to have his statement of the finances examined and approved by a Committee of his own friends. No eloquence was required in a matter of plain calculation, as figures did not want to be set to music. The matter might now be decided by fair arbitration between him and the Chancellor of the Exchequer; and a Committee of the whole House, in 1763, had agreed to refer the public accounts to just such a Select Committee as he proposed. Such gentlemen as were satisfied that there was an annual surplus of a million, after paying all ordinary and extraordinary expences, such gentlemen as had heard the Chancellor of the Exchequer

quer declare that there would be no necessity for a future loan, might go into the country, and tell their constituents, with confidence, that the finances were in a prosperous state, and that further taxes were not to be dreaded. Those who had not received this satisfaction, would neither discharge what they owed to their own characters, to their country, or their constituents, if they did not vote for a complete investigation, late in the session as it was. He should venture to propose the names of fifteen gentlemen, such as he had described, none of whom he had consulted, but who, he was fully persuaded, would all be ready to bestow a little of their time, and but a little would be necessary, on so important an enquiry. Of the fifteen, eight were gentlemen who usually voted with the Minister, and by their decision in all that he had stated, he was ready to abide. If the Chancellor of the Exchequer declined meeting him on such fair ground, the Public would readily assign the motive.

A motion was now made by Mr. Sheridan, "That a Committee be appointed to enquire into the state of the public income and expenditure, the progress actually made in the reduction of the national debt since the year 1786, and into the grounds on which a reduction of the same may be expected in future, and to report the same, with their observations thereon, to the House; and that the said Committee do consist of Henry Bankes, Esq. Daniel Parker Coke, Esq. George Dempster, Esq. William Drake, jun. Esq. William Hussey, Esq. Sir William Lemon, Baronet, James Lowther, Esq. James Martin, Esq. Mr. Alderman Newnham, Edward Phelps, Esq. Charles Anderson Pelham, Esq. Thomas Stanley, Esq. Sir George Augustus William Shuckburgh, Baronet, Mr. Alderman Watson, and the Earl of Wycombe."

Mr. Wm. Grenville. Mr. W. Grenville (the new Secretary of State) begged leave to assure the House, that if he rose for the purpose of answering the honourable gentleman, it was not from any anxiety in him to come forward, as thinking himself of more consequence than any other Member of the Committee. He trusted that the House had not found in him any anxiety to assume such unbecoming superiority, but as having been the person who brought up the Report of that Committee, he had stood forward more than once, and he felt a particular anxiety to be present that day, because he had often to combat the honourable gentleman's arguments contained in the Report of 1786. If it were merely a personal question between the honourable gentleman and him, he should feel indifferent upon the subject, but it was a question of a much more important nature, and from the sort of reasoning which the honourable gentleman that day held, the whole of his argument tended, in his opinion,

opinion, to give a false impression of the state of the finances to the people without doors, and to hold out a delusion, which, he was confident, had not the smallest foundation. He felt, with the honourable gentleman, that truth and accuracy ought to be adhered to in every public discussion; but if it ought at any time, it ought most particularly when the public accounts were under consideration there, and the revenues of the kingdom were stating in the House of Commons. To withhold truth on such an occasion; was, in his opinion, not merely blameable; it was highly criminal; and he declared, in the most solemn manner, that he did not believe himself capable of such wickedness. Upon the present occasion, he protested that he would not wilfully omit any part of what the honourable gentleman had said, but would even endeavour to follow the arrangement he had chosen. He took notice that Mr. Sheridan had grounded all his arguments on an average of three years, including the years 1786, 1787, and 1788; whereas he should ground his arguments on an average of two years only, the years 1787 and 1788, and that mode of estimate appeared to him the best, considering all the circumstances of the times, and he might say the only mode by which they might form a fair average of the income of the country; the income of one of these two years was fifteen millions six hundred thousand pounds, and the other, fifteen millions four hundred thousand pounds; taking these two together, the whole of the permanent income was calculated to produce fifteen millions five hundred thousand pounds, whereas it would be found, upon the average of the two last years, the amount was fifteen millions five hundred and seventy-eight thousand pounds, which was seventy-eight thousand pounds more than had been calculated would be the permanent income in 1791. He had omitted to take the year 1786 into his average, because it being the year when it was known that there was a commercial treaty with France in negotiation, there was a general stagnation of trade, and thence it was not a fair year to be referred to, as any sort of rule by which to decide the amount of the national income. The honourable gentleman had calculated from the termination of a destructive and ruinous war, which, for the first time in his life, he had heard called glorious. Mr. Grenville went into a detail of all the particulars referred to by Mr. Sheridan under the heads of Deficiencies, Extraordinary Expences, and Probable Resources. A few days after the Report had been brought down in 1786, it had been discovered, that the Committee had made a mistake respecting the produce of the Medicine duty; to that mistake he had at the time pleaded guilty, and he did then plead guilty. Other deficiencies had been since made by the alteration of tax bills

to a considerable amount, for the sake of public accommodation, in particular one in the horse tax, in favour of a description of men, who, in his mind, were well entitled to it, (the farmers) but that alteration took away near forty thousand pounds of revenue. Another deficiency was occasioned by the regulations of the distillery, to supply the place of which in some measure a duty on licences had been granted. He had to state the sum of 200,000*l.* arising from those extraordinary resources, which the honourable gentleman, in a speech in a former session, had thought proper to flur over and treat with derision. When the honourable gentleman had brought them forward, and treated them with contempt before, he had thought, Mr. Grenville said, that the honourable gentleman had much misapplied his own labours, and the time of the House. After some remarks upon the different circumstances affecting the annual income since the Report was made in 1786, and particularly the commercial treaty, in consequence of which there was, by the votes of that House, a very considerable reduction of it made, Mr. Grenville proceeded to treat of the next great division of the subject, the public expenditure. With regard to the income, the Committee had already passed their trial, and it was decided in their favour, the amount already considerably exceeding what was estimated to be its amount by the year 1791. As to the expenditure, they were still on their trial; but he had no doubt that they should come off equally triumphant and victorious. He begged, however, to have it recollected, that neither he in the name of the Committee, nor the Committee, had pledged themselves that the several services should not, in point of expence, exceed the amount of each stated; from the best information the Committee could procure, they trusted there would be no occasion for a larger peace establishment than the estimate stated. It was true, that this year there was an addition of 100,000*l.* to the army; but, if it was thought right to have foreign alliances, he trusted that a necessary degree of expence would not be grudged, occasioned by an addition to our army, to enable us to fulfil our engagements in consequence of our treaties with foreign powers. That 100,000*l.*, he conceived, would be permanent. Other expences of the present year would not be permanent. The navy had certainly cost more than had been estimated in 1786, but when it was considered what an account they had lately heard of the present condition of our navy, and of the quantity of stores in our dock-yards from the highest authority, he was one of those who were so far from repining at the extraordinary expence, that he professed himself to be happy and glad that the money had been so expended. With regard to what their general peace estab-

lishments

lishments would be, the House must recollect, that they were not arrived at the period when the Committee had estimated that their peace establishments would find their level; when that period should come, they would, doubtless, judge of the exigencies of the times as at present, and govern their establishments accordingly. So far was there, however, any reason to feel jealous of the present state of the expenditure, that he feared, that if any gentleman on that side of the House was to state what were the circumstances of 1786, and what had happened since, he would be accused of vanity, and of wanting to claim what was too evident not to be voluntarily admitted. The honourable gentleman had taken the ordnance in his way with the other services; he knew of no addition to the ordnance expenditure but a small one, the necessary consequence of an increase of the army. He had next gone into a considerable detail of the miscellaneous services; but he did not think it necessary to follow him, because he could not undertake to pledge himself what might be the miscellaneous services under particular circumstances. No person would attempt to say there might not arise circumstances of a similar nature to those during the American war, which would make a permanent article of the charge at this time incurred for miscellaneous services. Mr. Grenville added, that he had been one of those who had expressly stated, that it might be necessary to raise a loan, but that it would be more proper for the country to have first a surplus to proceed to the operation of reducing the national debt. If they had waited for several years, then they could not do more than to make some provision for it, whereas some was already paid off. The Committee did not mean to pledge themselves, that in so many years, they could supply enough to continue the plan out of the extraordinary resources. The loan had been made for the service of the current year; the honourable gentleman, (Mr. Sheridan) therefore, had not done fairly, when he took this year's loan, and opposed it to the expenditure of the preceding year. Mr. Grenville said, that he asked not now for the indulgence, but he claimed the justice of that House, when he desired them not to countenance a measure which was founded on an idea of the falsehood of those calculations, which he had proved to be true. With respect to the income and expenditure, they still stood in a way likely to fulfil the estimates stated in the Report. The income had already risen above the estimate given for the year 1791, and he had no doubt but the expenditure would do the same. He wished to state one thing more, because it was of more importance for the House to enquire into, than the Report of any Committee, and that was, the progress which had been made towards reducing the

the national debt. Three millions two hundred and fifty thousand pounds had actually been paid, and by the fifth of January so much more would be paid, that it would amount to four millions one hundred and eighty thousand pounds. Mr. Grenville spoke of the provision to pay off a portion of Exchequer bills, and added that he was against the motion, not from the lateness of the session; for if it was proper to pass, it was of such importance that they ought to sit at any time of the year to pass it. He never, therefore, would urge an argument so grounded, and he hoped it would not be urged by any gentleman; his objection was, because he was convinced, and, he flattered himself, he had satisfied the House that the statements in the revenue report of 1786 were correct and accurate, and therefore they ought not to be sent back for revision to another Committee.

Mr. Fox. Mr. Fox remarked, that under the conviction of his inability to afford the same instruction and entertainment as the two last honourable gentlemen, he should have remained silent had not the business struck him in a different point of view from any in which it had hitherto been examined. The right honourable gentleman (Mr. Grenville) had argued in a manner that appeared to him to be rather extraordinary. He had said, "I know I am right, therefore let me deprecate a Committee, where alone it can be proved whether I am right or not, and I beg you to rely on my assertions." Mr. Fox said that where there was the opposition of assertions from different gentlemen it was extremely difficult how to act, but he could not help being inclined to rely on the statement of his honourable friend. He perceived that there were two grounds of difference between the statement of his honourable friend and that of the right honourable gentleman; the first of these was, that his honourable friend had rested his calculations on the average of three years, and the right honourable gentleman had rested his arguments on an average of two years only. Of these two he liked an average of three years best, because all averages were the better the greater the number of years they included; but it was a curious reason that the right honourable gentleman had assigned for omitting the year 1786, it was because trade had been in a stagnation during that year, on account of the commercial treaty then pending with France. That was the very reason why the year 1786 should have been included, for it was admitted that the imports in the year 1787 had risen very considerably. Those imports clearly were what belonged to the year 1786, and would have been then made but for the commercial treaty. So that 1787 might be said to have in its pocket a considerable sum, the property of 1786. The right honourable gentleman (Mr. Grenville) had thought proper to observe that he suspected

suspected that the 100,000*l.* for the army would be a permanent establishment. If so it made a difference of 200,000*l.* in addition; because if the House had voted 100,000*l.* expenditure, the right honourable Chancellor of the Exchequer ought to have provided an adequate aid of 100,000*l.* income; not having done so it was an addition to the national debt of 200,000*l.* in time of peace.

Mr. Fox took notice of Mr. Grenville's having said, that the day was not yet come when the estimate of expenditure was to be looked for as the level of the peace establishment, nor would it arrive before the year 1791; and therefore the addition of 100,000*l.* for the army was not to be found fault with. Was it meant then (he asked) that the national debt was to be loaded as much as gentlemen on the other side pleased in the interim? The definitive treaty of peace, he believed, was signed in 1783, and in the interim, between the conclusion of the peace and four years following it, were we to borrow what we pleased? He desired to know if that was so understood? There was a great difficulty in proving these expences to be only temporary, and he shrewdly suspected that they would prove permanent. The argument of the right honourable gentleman, relative to the cause of the increase of the army, had been fallacious. He had asked, if we entered into foreign alliances ought they not to be enabled to keep faith with their allies? Most undoubtedly they ought; but the 100,000*l.* was not wanted on account of the Hessian treaty, it was for the sending additional troops to India and the West-India islands. Besides that was (he believed) the first time that ever it was deemed necessary to increase the army on account of foreign alliances. A contrary doctrine had ever prevailed; the stronger your strength by alliance, the less the necessity for a large army. Every man knew that alliances were less likely to increase the army than the navy. But he chiefly disliked the fallacy of Ministers in affecting that they had a surplus over and above their establishments. Had they come down to that House in 1786, and said, to use a vulgar phrase, "We can barely make both ends meet, and have not enough for surplus; therefore we cannot yet proceed to provide for paying off the national debt," he should have applauded their conduct, and have answered that they thought too lowly of the resources of the country, and could, and might, by imposing additional burthens on the people, which it was their duty to do, furnish a surplus. Then their conduct had been manly and honest. The right honourable gentleman observed that his honourable friend had ridiculed the extraordinary resources of the preceding session. His honourable friend (he believed) had only ridiculed such of them as were extravagantly disproportioned to the object which

which they were proposed to meet. He certainly had not ridiculed them all. He did not, for instance, ridicule lotteries, and had never disputed the fact, that four lotteries at 150,000*l.* profit to Government, would yield 600,000*l.* in four years. He had, indeed, ascribed lotteries as a source of revenue, unless in cases of great exigency, and condemned them as destructive to the morals and integrity of the people. Mr. Fox observed that this was one of the very few points in which he differed from his honourable friend. He was not yet prepared to object to lotteries as a means of revenue, and an object of taxation. He repeated that it was the fallacy of the arguments of gentlemen of the other side that he complained of, since, in respect to the miscellaneous services, every act of administration shewed that they were likely to be increased farther than reduced. Mr. Fox spoke again of the amazing increase of the navy debt, and remarked that the right honourable gentleman had said, "We have a fine navy," and no man can speak of the expence with regret and sorrow." No man doubted it, but it went not in the least to the argument. What they had all heard, he hoped, would make that House a little more cautious and doubtful how they relied too implicitly on the statements of Ministers in future. Without meaning to dilate on what had fallen from his honourable friend, he declared that of all the admirable things which he had heard him say in that House, none had excited his admiration more than some of his observations upon the operation of the national debt on the Constitution. He asked, was the right honourable gentleman ready to answer his honourable friend's question on the subject of the omission of new taxes? He who did not consider unforeseen expences as a great part of his expenditure was much deceived. Mr. Fox spoke of the debts, and particularly that due to the American loyalists, who had every claim to their generosity and their justice. They held national bonds upon the good faith of Parliament, and must be satisfied. With regard to the million borrowed, that was an additional annuity, and so far an addition to the debt, for, in fact, we owed no capital but only annuities. Mr. Fox pressed the House to go to a Committee with the accounts, in order to decide what was the income, what the expenditure, and what the state of the debt. It had been said to him, "Do you compare the situation of this country with that of France." Heaven forbid that he should! But we might take warning by the situation of France, not to delude the people of this country as to the state of their finances. It might be true, that with regard to the finances of France the people were deluded as to millions, when this country could only be deluded as to thousands. A Committee would remove all doubts, and put an end to error.

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He believed that there were some who heard him who would rather have the constitution of his country joined to the finances of France, than the constitution of France joined to the finances of this country. Let us take warning by what was to happen there. The ruined finances of France might produce the freedom of France. Let us take care that the abuses of our public credit did not produce the ruin of our Constitution, and entail slavery upon us. Their financial deceit was engrafted on arbitrary power; our public credit on our free constitution. In France it was the deformed son of an accursed parent who would restore freedom by committing parricide.

Mr. Chancellor *Pitt* answered, that there was not a friend *Mr. Pitt* to the liberties of this country who did not join in the sentiments with which the right honourable gentleman had closed his speech. The sort of manner, however, in which some honourable gentlemen had cloathed their arguments, looked as if they were over sanguine in their opinion of their effects, and feared that they would prove successful. The right honourable gentleman (he observed) had been lately much conversant in criminal prosecutions; and, therefore, he asked him, whether he had met with any thing which induced him to be of opinion, that because he moved for a Committee there was nothing more needful than for any man to rise up and boldly to make some taunting charges, laced with much invective against any given statements. Mr. Pitt contended that all the leading facts were ascertained and that the differences between them were reduced within a narrow compass that the House, with the Speaker in the chair, was as fully able to decide them that night as a Committee could possibly be at any other time. He then went through the detail of the various articles of revenue, expenture, and debt, reasoning against the various arguments which had been urged by Mr. Sheridan and Mr. Fox, as he proceeded, and endeavouring to confirm those of Mr. Grenvill. Mr. Pitt concluded with repeating that there was no question between them that might not be decided without a Committee, full as well as with one; no language, therefore, that could be used, nor any defiance should induce him to consent to the appointment of such a Committee, notwithstanding that he was ready to admit that the names proposed by the honourable gentleman were perfectly unexceptionable, and any of them persons for whom he entertained a very fine respect.

Mr. Sheridan declared that he did really believe that no language, nor any defiance which words could convey, *Mr. Sheridan.* would induce the right honourable gentleman to put himself into a situation in which he might have been detected, and in which the public might see that he secured themselves from enquiry

enquiry who wished to avoid detection. The right honourable gentleman had not removed one suspicion, nor in the least cleared the matter from doubt. Mr Sheridan contended that the right honourable gentleman had not contradicted every one of his assertion. What he had advanced, both with regard to the revenue, and the establishment, he had tacitly acknowledged. With respect to his having stated the present million to be obtained by the tontine, as being yet to be applied, he was ready to admit it. If the right honourable gentleman (Mr. Pitt) would assure him that another loan would not be required next year. This was what he knew the right honourable gentleman (Mr. Pitt) would not. He could not pledge himself to any such promise, for he knew too well that he must borrow another million next year, in order to apply it to the discharge of a million of the unfunded debt. With regard to the million issued of Exchequer bills, what was this but borrowing a million of unfunded debt, to discharge a million of funded debt? This was borrowing with one hand to pay with the other.

Mr. Steele Mr. Steele said that the honourable gentleman (Mr. Sheridan) having stated the errors in the accounts of the papers laid before the House, was guilty of misrepresentation. He meant not to say intentionally, but still that was the fact. There was not a paper which had been produced, agreeably to the motions made by that honourable gentleman (Mr. Sheridan) which was not correct from the beginning to the end. He had particularly attended to have them not only delivered in time, but also in the most accurate manner in which they could be obtained. In observing this, he minutely particularized a distinction in the papers. He said that the papers respecting the expenditure contained (as he before observed) the exact particulars. But the papers relative to the revenues were deficient. This was not owing to any omission of the clerks or himself. The honourable gentleman (Mr. Sheridan) had not moved for the proper papers to obtain the full account of our income. Whether he had omitted moving for the whole account in order to avoid its being entirely laid upon the table he could not pretend to say. But, however, such was the real state of the circumstance.

Mr. Steele made several observations respecting the Report, and the manner in which that Report had been fulfilled by subsequent experience. There was not a part of the revenue stated in that Report but had been found even less than what was found to have been our resources since. With regard to our expenditure, the period had not yet arrived which could try the veracity of that particular. But he conceived the present dispute to be a difference between his right honourable friend (Mr. Pitt) and the honourable gentleman (Mr. Sheridan)

dan) which might be easily settled without any reference to another Committee. If the honourable gentleman (Mr. Sheridan) would take the trouble of examining the ways and means with the establishments for the last three years, he would find them exactly to correspond, except in the instance of 550,000*l.* of Exchequer bills; and by this it would appear, that the expenditure did not exceed our income. He would, therefore, particularly recommend it to be decided by such a reference. Mr. Steele made next some observations relating to various departments of the revenue, and the necessity of the different establishments. In all these, the similitude to the arguments of other gentlemen in this discussion, being too great to need a repetition, we think it proper to omit them.

Mr. *Sheridan* answered, that it would have been a serious charge, indeed, if the honourable gentleman's statement of his having avoided to move for the proper accounts of the revenue had been true. He wished to know on what this accusation was founded. He had moved for separate accounts of the customs, excise, stamps, and incidents. Added to this, he had moved for the amount of the duties collected on land and malt. He knew not what other papers he could move for to obtain an exact state of the revenue. If these papers were not sufficient, he was the more sorry for the disappointment; for he wished to give the right honourable gentleman (Mr. Pitt) every credit of resource. With respect to what the honourable gentleman (Mr. Steele) had recommended as a mode of settling the dispute, he could not agree to its propriety. He had recommended them to refer to the ways and means and expenditure for the last three years, as a mode of ascertaining whether the latter exceeded the former or not; for, says he, there you will find, that the expenditure was provided for by the ways and means. And on this he founds his argument, that the resources must be equal to the expenditure of the country for the last three years. Surely this was an evident fallacy; for, although a sum of money might be proved to have been paid, yet it did not shew what part of that sum might have been borrowed for the purpose; he could not, therefore, agree to the adoption of this conduct. The only mode by which the truth could be ascertained, must be by a Committee, as being composed of gentlemen of independent principles, who would certainly make a report that would lay before the House and the country an actual state of the income and establishment. With this before the House, the nation would then be apprized of the means which it had to meet its exigencies; but at present no such confidence could exist. When between two and three millions were added to the unfunded debt, in

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order to pay off three millions of that national burden, the people must withdraw their confidence when they found themselves the dupes of such an empty delusion. For these reasons, he again urged the necessity of voting a Select Committee for examining the state of our revenue and expenditure, since the measure of appropriating a million to the annual discharge of the national debt; and, at the same time, to examine into the probability of our income being equal to afford such a surplus in future years.

The question was at length called for, and negatived without a division, when the House immediately rose.

Monday, 13th July.

M **Grenville.** Mr. Secretary *Grenville* desired that, as his right honourable friend (Mr. Pitt) was absent, he might be permitted to state that, upon consideration of the matter lately mentioned to the House relative to the exportation of corn, it was thought necessary that some parliamentary measure should take place. The occasion would, at any other period, have justified Government in presuming to stop any attempt at exportation; but, as the two Houses were sitting, it was deemed worthy the interference of Parliament itself. It was conceived to be improper, on general principles, to make different regulations in different acts of Parliament; and therefore, as there was a corn bill in the House of Lords, the best mode to be adopted, he believed, would be to reject that bill, and bring in a new one, which should include a clause providing for the particular case in question. Understanding that the corn bill then pending in the House of Lords would be put a stop to, he would move for leave to bring in a new one, under a title a little varied for the sake of form, and he begged to assure gentlemen, that in the new bill the principle and clauses of the bill which had passed that House would be retained entire and without alteration. He concluded with moving, "That leave be given to bring in a bill, for better regulating and ascertaining the importation and exportation of corn and grain, and also for the better regulating the exportation of starch, and the importation of rape seed." Agreed to.

Mr. **Dundas.** Mr. *Dundas* rising next, observed, that it was not without considerable satisfaction that he felt himself fully justified in declaring to the House, how unanswerably he could convince the Committee of the propriety of the motion which he should make, and of the expediency (not to say the indispensable necessity) of granting the petition presented by the East-India Company. It was the wish of the Company to increase their stock one million sterling. He requested gentlemen to consider that they did not come to ask for leave to

borrow money from other people, but from themselves. This being the case, he thought the House could have no difficulty in complying with their request, and in acquiescing with their wishes, since it was for the increase of their credit and their interest. He wished to refer the House to a paper (marked No. 3) stating the effects and the debts of the Company from January 1788 to January 1789. He assured the House, that in explaining the situation of their affairs, he should state them as unfavourably and as low as possible. By that paper,

Their debts were stated to be	-	-	£.14,543,480
Their effects amounted to	-	-	12,531,843

He informed the House, that the charter of the East-India Company would expire in 1791; but, upon giving notice of it to Parliament, they would be allowed three years more. Adding, therefore, those three years, their charter would expire in 1794. If, at that period, their affairs were to be finished, and their accounts finally settled, there would be a deficiency of 2,011,637l. But, though in the list of their debts delivered in to Parliament, the 500,000l. due to Government was not included, he should, nevertheless, consider it as a debt due by them.

The account would then stand thus :

Amount of debts	-	-	£.14,543,480
Of effects	-	-	12,531,843

Remains a deficiency of	-	-	2,011,637
To which add the	-	-	500,000

Making	-	-	2,511,637
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To which must also be added for ex-

pences due abroad	-	-	422,000
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Producing	-	-	2,933,646
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He had not the least doubt but that the million meant to be borrowed would be taken by the proprietors. Considering the value of their old stock, and of the sum borrowed last year, their debt would amount to 5,208,628l. should their affairs be wound up in 1794. He should next consider what they had to pay this debt; and first he should begin with the sales of the Company, which he divided into two parts—the sale of China goods and India goods.

The gross amount of the China sales he estimated at				£.2,540,000
From which was to be deducted for freight, customs, and charges				665,000
For prime cost				1,500,000
Making				2,165,000
Which deducted from the gross amount, left a balance in favour of the Company of				375,000
The gross amount of the India sales produced				2,160,000
From which, for freight, custom, and charges, deduct				960,000
For prime cost 1,110,000l., but from that sum he should deduct 650,000l. which was paid from the revenues in India for home investment, which made a remainder of				460,000
Producing				1,420,000
Which, deducted from the gross amount, left a balance in favour of the Company of the profits on both sales				740,000
For China sales				375,000
For India sales				740,000
Which would amount to				1,115,000
But from this sum he intended to deduct the burdens laid on the home trade, viz.				
Dividends on stock				400,000
Annuities				90,000
Interest on bonds				128,000
Making				618,000
Yet, from this there was to be made a deduction paid by Government of				126,000
Leaving				492,000
Which deducted from				1,115,000
Left a neat balance on the two trades of				623,000
In favour of the Company on each year.				Supposing,

Supposing, therefore, that their charter expired in 1794, he would multiply the produce of their trade from 1790 to 1794, being four years, which would produce - - 2,492,000
 To which he would add the profits of the current year, which he would only take at - 590,000

This would produce - - - 3,082,000

According to this statement, were their affairs to end in 1794, we are not to add the prime cost of an investment to be paid that year for 1795, because they would no longer be a Company. Therefore that sum must be deducted from the debt, and added to their credit side, amounting to - 1,960,000
 With also the profits on private trade at 70,000l. per annum for five years - £. 350,000

Which sums added, produced - 5,392,000 in favour of the Company; so that when the amount of their debts and their effects was seen, it would be apparent that the latter would be more than sufficient to discharge the former. Mr. Dundas here remarked, that perhaps it would be contended that the Company owe six millions of India debt. It was true; but, into whatever hands their territories fell, if the Public should take the management of them, they would have no objection to be saddled with a debt of six millions, to be possessed of a territory which produces annually 1,570,000l. He therefore was of opinion, that no possible objection could be raised against granting the prayer of the petition; he should therefore make the following motion:

“ Resolved, That it is the opinion of this Committee, that
 “ the East-India Company be empowered to add one million
 “ to their capital, and that such addition be made by open-
 “ ing a subscription of 170l. for each 100l., to be altered,
 “ however, at the will of the Directors.”

Mr. Pulteney observed, that the profits of India sales were stated, according to the calculations of the right honourable gentleman (Mr. Dundas) at 740,000l. by the deduction of 650,000l. for the investments paid from the revenues of India, which is to pay the debt here. But, should there be no investment, which would happen if their affairs were to be wound up in 1794, Government would, if they took the territories into their possession, be saddled with the two millions of debt transferred from India, and made a part of the home debt. Mr. Pulteney.

Mr. Dundas begged leave to remind the honourable gentleman (Mr. Pulteney) to observe, that he had not taken the two Dundas.
 two

two millions as the home debt, because it must be thrown back on the India territory, should their affairs be settled in 1794.

Mr. Dempster. Mr. *Dempster* conceived Mr. Dundas to have argued as if it was a decided point that the Proprietors of East-India stock had no claim on the revenues of their territorial acquisitions in India. The Company had provoked Government again and again to decide the question, and had said, "Go with us into a court of law, and let us settle the point, where alone it can be settled." Mr. Dempster said, he thought the Company had a good right to their territorial acquisitions; but if it were otherwise, their debts in India had been incurred by the wars abroad, and every shilling ought to be repaid them.

Mr. Dundas. Mr. *Dundas* declared he had not said one word relative to the territorial acquisitions in India belonging of right to the Company or not, but with regard to the charter's giving the Company a right to the territorial revenues in India, he begged to decline giving any answer, farther than to say, that he believed if the honourable gentleman would look to the charter, he would see that it did not contain a syllable relative to the right in question.

Mr. Hussey. Mr. *Hussey* wished to refer gentlemen to the statement of the right honourable and learned gentleman (Mr. Dundas.) The effects of the East-India Company were stated to amount to - - - £.5,392,000
 Their debts to - - - 5,042,000
 This certainly left a balance in favour of the East-India Company, but he could not help differing from this account. The debts were estimated much too low; for this new loan which, taken at 170l. per cent., amounted to 1,700,000l., and the two millions of debt transferred from India must be added; and then their debt would amount to 8,700,000l., to discharge which they had but 5,392,000l. So that when their accounts were cleared in 1794, the period when their charter would expire, there would be a deficiency of 3,318,000l. For his part, he averred, that he would not trust his property on such security. It was not sufficient; and he declared, in the most solemn manner, that were he now a Director of the East-India Company, he should tremble for the consequences; and he thought himself justified in these assertions, for he had attended the right honourable and learned gentleman (Mr. Dundas) during his three India budgets, and had always found that the promises which he held out were never fulfilled. The fine prospects which he had placed before his eyes, had all vanished away.

Mr. Dundas. Mr. *Dundas* answered, that he had, neither on the debt or credit side of the Company's affairs, taken the new loan, and

and that the two millions of debt transferred from India were, should the affairs of the Company be wound up in 1794, to be transferred back again to the India territories, and were to be a debt, which whoever possessed their territories must pay. He had added then two millions to the four millions not transferred.

Mr. Grenville lamented the absence of his relation, the Mr. Wm. Chancellor of the Exchequer, upon which he pronounced an eulogium, and afterwards contended that there was a just and well-founded expectation, that when their charter should be renewed or expire, the Company would be able to pay all their debts, and that the territorial acquisitions in India would be a noble and a princely possession, into whose-ever hands they might fall. Grenville.

Mr. Francis observed, that it was not only difficult to understand the calculations made by Mr. Dundas, but when understood, it was difficult to depend upon them. He could not see with what degree of propriety calculations could be made for the year 1794, when the statement of the Company's debt in one year differed two millions and a half. They applied for a sum not exceeding one million, which money was to be raised on the Public; this had been applied for in July, when it was not probable that it would meet with any opposition, in consequence of the absence of the Members. The East-India Company must have known their situation at an earlier period, and, of course, if they meant fairly, they should have applied for the loan at an earlier day, or at least if they did not, he thought that the Minister ought not to countenance their application at a time when the session was almost consumed. In his opinion, it was very extraordinary, that at a time when the right honourable and learned gentleman (Mr. Dundas) was boasting of their enlarging their capital, that he should come forward to require a loan; it was a suspicious application, according to his own arguments, and ought to be treated accordingly. Mr. Francis cautioned the House to have a watchful eye over the affairs of India. The day, he predicted, would come, when the Public must claim satisfaction from the House, for whatever it might suffer by having a reliance on the credit of the Company. It was not owing to any faith which it had in that, but purely from a confidence in Parliament, that the Public had ventured on pecuniary affairs with the East-India Company. It was strange, he observed, that at a time when they boasted of a prosperous trade, they should apply to Parliament for an extension of capital. The fact was, that the last sales fell considerably short of the estimate of the last year; and, year after year, they stated, since the last war, that the expences incurred by it, occasioned their repeated applications

Mr. Francis.

applications to Parliament. He wished to know when the House would no longer hear this offered in excuse for their repeated application; and concluded, by requesting to be informed whether this was the last requisition which would be made to Parliament for a loan, previous to the dissolution of Parliament.

Sir Grey
Cooper.

Sir *Grey Cooper* observed, that the Company's charter expired in 1791, and not in 1794; and that the honourable gentleman estimated the trade of the Company to be the same, if the charter were not renewed, as it would be if it was. Upon the whole, he saw no clear justification of Parliament's countenancing the present application.

Mr. Devaynes and Mr. Baring spoke concerning freight and demurrage, and the latter observed, that the interest on bills of exchange was added to the amount of the bills themselves.

Maj. Scott

Major *Scott* conceived, that though Parliament was not absolutely bound by the arrangement about to take place, yet it certainly was incumbent upon the King's Ministers not to recommend an increase of the Company's capital, without a perfect conviction that it was right in the present state of their affairs, and more particularly when it was to be considered, that the Board of Control had the absolute disposal of their immense revenues in India. On this confidence, he believed, the Proprietors would very willingly subscribe the sum that was required. An honourable gentleman (Mr. Hufsey) had remarked, that there was a material difference in the state of the Company's affairs now and in 1773; but this, the Major said, was not, as he conceived, a fair view of their situation. Would the House consider the relative situation of India and Great Britain at that period? In Great Britain we had doubled our debt, and lost an empire: in India, we had extended an empire, and the debt contracted was insignificant, while we had preserved to this country one of the most flourishing empires that ever any country had retained since the creation of the world; a princely dominion, as the right honourable gentleman (Mr. Grenville) had well observed, which yielded a surplus revenue of two millions sterling, and had actually been in a state of improvement, while every other dependency of Great Britain was crumbling to atoms.

The question was put, and the resolutions were agreed to without a division.

The House being resumed, Mr. Hobart brought up the report of the Committee on the tobacco bill.

Mr. Alderman Sawbridge, after pointing out the severity of the bill, and the dissatisfaction of the manufacturers, respecting the clauses introduced in consequence of their conference

ference with the Minister, moved, "That the bill be re-committed."

Mr. *Rose* declared, that no alterations had taken place, but such as were agreeable to the requisitions of the manufacturers. Every alteration made was of service to the trade; the principal objection being against the authority of an excise-man to enter the manufacturer's house, and thereby discover the secrets of his trade, was completely done away, by a clause introduced for that purpose. Mr. Rose.

Mr. *Thornion* professed himself against the re-commitment of the bill; particularly if those who were for it did not state their reasons. Mr. Thornion

Mr. *Dempster* observed, that he could venture to assert, in consequence of the communication which he had with some gentlemen in the trade, that the alterations were far from being satisfactory. He regretted the absence of a right honourable gentleman (Mr. Pitt,) particularly as it proceeded from indisposition; but he thought that even this was a substantial reason why the bill should be printed and re-committed, that he might have an opportunity of hearing the objections offered against it. Mr. Dempster.

The Marquis of *Graham* was of opinion that the manufacturers objected to the principle, and not to any particular parts of the bill: there were other branches of trade, distillers and others, subject to the intrusion of an Excise officer, whose secrets were not less valuable than those of the tobacco and snuff manufacturers. Marq. of Graham.

Sir Watkin Lewes and Alderman Watson entered into the merits of the question, and were decidedly for the re-commitment of the bill.

Mr. Alderman *Newnham* said that there were chymical preparations used, which were necessary to be entered in those very books which the exciseman was at liberty to call for. From the conversation he had with several eminent manufacturers, he could not, in justice to his feelings, or his character as the representative of a commercial people, give his approbation to the bill. Mr. Ald. Newnham

Mr. *Sheridan* pointed out the necessity of the re-commitment of the bill, as a matter absolutely stipulated between the Chancellor of the Exchequer and the manufacturers, in case they did not agree to his amendments. Mr. Sheridan.

Mr. *Grenville* declared, on the part of his right honourable friend (Mr. Pitt) that he wished to give every fair advantage to the manufacturers, and therefore, as far as related to himself, he was not against the re-commitment. Mr. Grenville.

The bill was accordingly re-committed, several clauses were agreed to, and the House adjourned.

Wednesday, 15th July.

When the report of the Committee on the East-India petition had been brought up,

Mr. Hufsey. Mr. *Hufsey* rising, begged leave to assure the House, that after the most deliberate and cool re-examination of his calculations, he found that, as he expected, they were not at all erroneous. That there were, however, mistakes in the accounts, which the right honourable and learned gentleman (Mr. Dundas) who opened the case of the East India Company, as standing on their petition, had declared to him in private, he had himself discovered on a revision of the accounts since Monday. Mr. Hufsey now pointed out particular items of the printed accounts, which he conceived to be erroneously stated, and mentioned, that some of the accounts he had moved for himself, with a view to bring them more fully before the Public. After descanting on the figures which he conceived to be mistated, he said that the accounts were made up to answer a particular purpose, and when he found that they did not, it unanswerably followed, that the whole was imaginary, and the accounts were worth nothing, as no reliance whatever could be placed on them. Mr. Hufsey compared the price of the purchase of an annuity of eight per cent. in different stocks. If he bought it of the East-India Company, it would cost him 170*l*. If in the 3 per cent. consols. 204*l*. If in another trading Company, the Bank of England, it would cost him 206*l*. India stock, therefore, compared with Bank stock, was 36 per cent. discount. This, surely, was a conclusive argument against the value of East-India stock, compared with other stocks at market.

Mr. Dundas. Mr. *Dundas* answered, that the real value of East-India stock was a question on which the honourable gentleman and he should never agree. Individuals must ever differ upon such a topic; the fairest way, therefore, was to see what the opinion of the Public was respecting it; at the same time that a bill was in agitation, which made considerable noise in the country, (Mr. Fox's bill of 1782-4) India stock had been so low as 123*l*. It rose soon after he came to have any concern in the affairs of the East-India Company up to 143*l*. and it was now worth 173*l*. The difference on India bonds, also, was equally remarkable. In 1784, they were at a considerable discount; whereas, according to the present price, (he stated the different gradations) India bonds had increased in price full seven pounds eight shillings. Having entered upon an explanation of what he described as the great increase of value both in respect to stock and to India bonds, and said, that he was sure, as a sincere well-wisher of the honourable gentleman,

gentleman, he had every reason to recommend him to lay out his money in India stock, not doubting but he would find it answer very amply, and having likewise declared that if it had happened that he had any cash to lay out, it should be disposed of that way, Mr. Dundas proceeded to state the errors in the accounts which he had discovered, and mentioned that there were errors on both sides. That pointed out by the honourable gentleman (Mr. Hussey) he admitted, but stated another of his own, which was very materially in favour of the Company. and it was this: upon the preceding Monday, he had observed that the Company would have no investment to send home after the year 1794, supposing that their charter was not to be renewed, but then ultimately to expire. This was clearly an error, because the Company, at any rate, would possess their revenues till the charter did expire, and consequently would have the revenues of the years 1793 and 1794 to send home after the end of 1794, and as the coast trade afforded a profit of cent. per cent. and the China trade a very considerable profit, they would have the amount of both to add to their capital, which must make a considerable difference in their favour. In the very worst view of their affairs, however, the Public could not suffer, as the East-India Proprietors could alone be affected by any deficiency which might happen, of which there was not the smallest probability. If any deficiency should happen, there would be a provision made to enable the Company to pay their capital at a sum from 170 as low as 159 or 158. Mr. Dundas remarked, that he had not allowed one sixpence for a variety of property belonging to the East-India Company in India, such as their different forts, warehouses, and export stocks remaining in India. With regard to his statement and the present contest respecting it between him and the honourable gentleman, possibly the honourable gentleman was too apprehensive on the one hand, and he might be too sanguine on the other, and if the truth should stick between them, it would turn out in favour of his calculations. He trusted, however, from what he had said, either then or on Monday, that no man would imagine he meant to have it understood that there was any probability of the Company's charter not being renewed. He had stated the situation of the Company in the most unfavourable point of view possible, for the purpose of making gentlemen fully aware of all the danger and all the risque which could in any view attend the complying with the prayer of the Company's petition, in suffering them to advance the million which they desired to be permitted to advance. That Government, he declared, would deserve every imputation of folly and impolicy, which did not embrace the interests of the East-India

Proprietors. It might be depended upon, that their interests and the interests of the Public were one and the same. They must rise or fall, exist or perish, together. Whatever arrangements with respect to the renewal of the Company's charter might, therefore, be formed, there was no doubt they would be such as must add immensely to the interests of our navigation, immensely to the increase of our export trade, immensely to the general objects of our commerce, and immensely to the prosperity of both countries.

The report was read a first time.

Mr. Hufsey. Mr. *Hufsey* admitted, that there were errors on both sides of the account, but he contended that the account was of no value. and ought not to be in the least depended upon. He repeated his remark on the different price of the purchase of an annuity of 8 per cent. in Bank stock or in India stock.

Mr. Dundas. Mr. *Dundas* declared, that the account upon the table, as stated by the Directors, was a proper account, being from January 1788 to January 1789; but that he had made his statements on Monday as applicable to the state of the Company at the end of the year 1794.

The report was then read a second time, each resolution having a distinct question put upon it, and agreed to.

The report concerning the Tobacco Regulation bill being brought up, and several amendments read and agreed to,

Sir Watkin Lewes. Sir *Watkin Lewes* observed that, agreeably to his former notice, he should now beg leave to introduce a clause to give the persons aggrieved by the determination of the Commissioners of the Excise, or Justices, the right of a trial by jury, which would, in a great measure, do away the odium attached to the excise laws. This was an act of justice due to the persons aggrieved, and such a relief, that he trusted the House, so far from objecting to, would think proper and just. This clause, which he had the honour to submit to them, was free from the objections taken to a motion made by an honourable gentleman of that House for leave to bring in a bill to give a right of trial by jury in all cases of excise, it being confined to the single article of tobacco. He could not conceive that it would injure the revenue, as very few, unless much aggrieved, would wish, for the mere purpose of delay, for an appeal which must be attended with further expence to them; but, should the determination of the Commissioners be unjust, what Member in that House would rise in his place to say, that the unjust determination should be enforced, the subject be deprived of his property, and, in many cases, of his liberty? All those persons dealing in exciseable commodities were deprived of their birth-right, which was secured to them by Magna Charta. The trial by jury has always been considered as the palladium and great security

security of that liberty for which this country has long been the envy of every foreign nation. Mr. Justice Blackstone, whose authority, he was very sensible, would have more weight in that House than his, in treating on the laws of excise, remarks, "That the rigor and arbitrary proceedings of excise laws, seem hardly compatible with the temper of a free nation." The power given to officers of entering and searching the houses of such as deal in exciseable commodities, at any hour of the day, and, in many cases, even in the night; the proceedings, in case of transgressions, are so summary and sudden; that a man may be convicted in two days in the penalty of many thousand pounds, by two Commissioners or Justices of the Peace, to the total exclusion of the trial by jury, and disregard of the common law. Mr. Justice Blackstone, after enumerating the different articles, closes with this extremely striking observation: "A list, which no friend to his country would wish to see extended!" Sir Watkin added, that though he had been hitherto unsuccessful in the bill, he had better hopes from his present clause; and in submitting it to the consideration of the House, he must take the liberty of earnestly intreating them, before they determined on it, to weigh it deliberately. It would do away great part of the odium on excise laws, and he trusted that it would lay the foundation of a general bill, extending to all cases of excise whatever. He was confident that if the clause were admitted, juries would prove themselves worthy of confidence, and that House would hear much fewer complaints of the oppression of revenue officers; the subject would be restored to his birth right, his liberty and property preserved, and the public revenue secured.

Mr. Alderman *Newnham* seconding the motion for the introduction of a new bill, declared that he did not mean to take up the time of the House with much argument. The clause in question, by saving to those concerned in the tobacco manufacture the right of trial by jury, would soften the rigor of the excise laws, without injury of any kind whatever to the revenues.

The Marquis of *Graham* observed that, although he admired, and should, upon all occasions, conceive that it behoved him strenuously to support the constitutional claim of a British subject to the right of trial by jury, he could not admit that the giving such a right ought to be introduced in the present bill, as that would be a partial grant of it, neither fair, reasonable, nor just. It ought to be given to all persons subject to the operation of the excise laws, or none. It was generally considered that tobacco was an article as proper for the operation of excise as any other; and therefore, the manufacturers of every other article which was placed under the

the excise were entitled to the same privileges as the tobacco manufacturers, and ought, at the same time, to be admitted to the equal participation. Whenever, therefore, the worthy Alderman would move to introduce a general bill to restore all manufactures and traders subject to the excise laws, to the right of trial by jury, he would certainly, notwithstanding that he felt it his duty to oppose the present clause, consider it with all the attention which it might deserve.

Mr. Hufsey. Mr. *Huffe* observed, that he recollected that when a bill, such as the noble Marquis alluded to, had been moved for, he had thought the argument of the honourable gentleman who had made the motion so sound, that he had intended to vote for it, hoping thereby to have restored all persons under the excise laws to the right of trial by jury; but that the Attorney General had stated an argument against it, which he had thought good, and which decided him to vote against the proposition; and that was, that if such a law passed, it would multiply trials by jury so much, that the business of Westminster Hall could not proceed. He saw not, however, that the same reason held against the trying of the experiment in the single case to which the bill alluded.

Mr. Rose. Mr. *Rose* contended, that if the trial by jury were allowed in the present instance, it would put it in the power of the tobacco manufacturers, in fraudulent cases, to impede the execution of the law, almost as much as it would if the trial by jury were to take place in all excise cases. There had been no reasons urged in favour of the manufacturers of tobacco and snuff, which might not, with equal justice, be urged by all other trades under the excise. If, upon future consideration, any method of mitigating the severity in this instance could be suggested, he for one should gladly meet it with his concurrence.

Captain Berkeley. Captain *Berkeley* (Surveyor General of the Ordnance) believed that it would be difficult to prove that the intentions of any person had ever experienced so great an alteration as his within the last five minutes. He came to the House determined to vote for the clause with the worthy Alderman who had moved it, but the honourable gentleman who spoke last but one, argued with such truth and justice concerning the general principle of the clause, that he should certainly vote against it.

Mr. Ald Watson. Mr. Alderman *Watson* said, that it was not a very flattering prospect which the noble Marquis (of Graham) chose to present to the House, when he observed that if a general law, allowing all persons under the excise laws the right of trial by jury, were offered to the House, he should be ready to give it his consideration! The longer it was delayed, the more arguments would multiply against it. This year, it might

might be contended that the wine trade are under Excise laws, and have no right to trial by jury; and wherefore should such a right be enjoyed by the tobaccoists? Yet surely it was not possible without adding to the number of the oppressed, to deprive any man of the privileges to which the principles of the Constitution had given him the most indubitable claim.

Mr. *Samuel Smith* (Member for Worcester) observed, that in his opinion, no mode of reasoning could be so ridiculously indefensible as that which was brought forward in favour of the strange doctrine that taking away the trial by jury would prevent the court of Exchequer from being impeded. Did gentlemen consider the extent of such an argument? At that rate every description of subjects might be deprived of the right of trial by jury. Persons going to court knowing that the King paid no costs, and how unequal all contests with the Crown were, would not run to the Exchequer with frivolous suits, or where they did not think that they stood on the strong ground of a good cause. He could not, therefore, see the smallest inconvenience which was likely to result from the clause being accepted.

Mr. Sam.
Smith.

Colonel *Phipps* remarked that the argument of the honourable gentleman behind him was the strongest in behalf of summary decisions in all subjects of Excise. It saved the defendants much expence, and it enabled them to state all their grievances at once fully and fairly. He believed that the summary processes were administered as equally, and with as much justice as any species of process whatever. Was liberty more circumscribed or extended now than in Sir Robert Walpole's time? He supposed rather the latter than the former. As to extending the right of trial by jury, in the particular instance, if it were extended to all other persons and trades under the Excise laws, then there would be some reason to complain of the exclusion of it to the tobacco trade.

Colonel
Phipps.

Mr. *Beaufoy* rising next, spoke as follows: If the motion which the honourable gentleman has made had been such as the speech with which he introduced it, had prepared us to expect, I should gladly have given to it my sincere and ardent support. But, so different from their professed design are the words of the clause which he has offered, that I must either resist the motion at the risk of appearing to oppose the principles to which I am the most attached, or I shall find myself obliged to acquiesce in such an application of those principles as is very inconsistent with the interests of this kingdom. I imagined from the nature of his arguments, (and the House, I believe, still imagines) that the object of the honourable gentleman was nothing more than to give to his fellow subjects a right to appeal from the despotic tribunal of the Commissioners

Mr.
Beaufoy.

missioners of the Excise to the candid and impartial judgement of his peers. But is this the sole tendency of the proposed resolution? Is this the only effect it is calculated to produce? If such be the expectation of the House, it is my duty to warn them of the dangerous mistake; for the privilege which the clause will give to the subject is not a right of regular appeal from the determination of the Board of Excise, but a right to prosecute, as a trespasser, every Exciseman, who, on any ground, however legal, has ventured to make a seizure. It gives to the dishonest tradesman, however atrocious his frauds, a right to bring an action for damages against the officer, who, in the name of the Crown, has taken possession of the articles on which the legal duties are withholden, and in that action it empowers him to include the officer's assistants, and to make them defendants in the suit.

Thus, it enables the importer, and the dishonest manufacturer, to disqualify from being witnesses in the trial the only persons, generally speaking, who are able and willing to prove the existence of the fraud. It deprives the Crown, in most cases, of its only evidence, and at the same time imposes upon it the burthen of the legal proof. If such a clause were made general, it would bring with it security to the smuggler, ruin to the fair manufacturer and the honourable merchant, and ultimate destruction to the most productive revenues of the State.

But though it is obvious that all these baneful effects would follow from the clause, if applied to the several branches of the Excise, yet I am perfectly persuaded that to produce these effects is not the intention of the mover; for it cannot be his wish to cripple every prosecution, to disarm the executive government, to grant a general licence to fraud, and to deprive the nation of a revenue of six millions a year. Those who do me the honour to recollect the bill which I proposed to the consideration of the House in the year 1785, will not suspect me of indifference to a principle which constitutes the principal support, as well as the primary blessing of an Englishman's freedom, the privilege of being tried by his peers. But while I suggested a plan that would have ensured to him, in all Excise cases, in which he might choose to demand it, the perfect enjoyment of this right, that bill had no tendency to destroy, as this clause would effectually do, the powers of the Crown to prosecute. It would have given to the subject a fair trial before an independent court; but his success in that trial would have depended on the justice of his cause, for I could not consent to deprive the Crown of its witnesses, and under a pretence of consulting the interests of freedom, to establish the interests of fraud.

But,

But, while I object to the particular motion before you, I am not insensible that the very right which it proposes to bestow, (the right to an action of trespass against the seizing officer and all his assistants) has been said to constitute already a part of the law of the land; and that the truth of this opinion has been for many years, and at this moment, continues under the consideration of the judges. But what inference shall we draw from this embarrassment of the judges? Does it show the propriety of the present clause? That cannot be pretended. It only proves, and that it does prove beyond the possibility of a doubt how sensible the judges are that, if on the one hand, they should establish the right of the subject to an action of trespass, they give impunity to fraud; and that, if on the other, they should deny that right, they must in effect admit, (what they cannot bring themselves to acknowledge) that in all Excise cases, as the law now stands, the subject may be excluded from a trial by his Peers. Their silence proclaims with an energy more forcible than the strongest language; it declares with an emphasis which awakens the reflection, and reaches the heart of every friend to his country, *that the subject has a just claim, in all Excise cases, to a trial by his peers*; but the particular modification of this right ought not to be such as shall deprive the Crown of the benefit of its witnesses, and give security to public depredation.

Thus it appears that while the interest of the State requires the rejection of the clause proposed, it also requires that this rejection should be followed by a bill to give to the subject a right of appeal from the arbitrary decisions of the Commissioners of Excise to the unbiassed judgement of his country.

Nor can I applaud the expedient of confining to the dealers in tobacco, or to any other description of men, a privilege which the constitution has made free to all; but if the liberality of the times is too limited to restore to all their just and natural birthright; if the experiment of giving back to the subject his ancient hereditary privilege must, in the first instance, be tried on one particular class alone; I have no hesitation to say that the dealers in tobacco have the strongest claim to a preference, for the situation of those who made choice of a particular trade, at a time when no suspicion was entertained of its ever being subjected to the Excise, is certainly, in all justice, to be considered as materially different from the situation of such manufacturers as freely chose an occupation to which, at the very time that they chose it, the dominion of the Excise laws was already extended. Upon the latter the jurisdiction of a despotic court is brought by their own voluntary act; upon the former it is forced by a compulsion, from which there is no other escape but that of abandon-

doning their country, or of relinquishing their means of life.

But some gentlemen it seems there are who think that the interests of the revenue are incompatible with the civil rights of the subject; and that an appeal from the decision of the Commissioners to the judgement of a jury would soon destroy the vigour of the Excise, and annihilate the use of the system.

I know not to what singular circumstance it is owing that the system of the Excise is supposed to derive its efficacy and strength from the despotic nature of its tribunal, whereas in reality it is indebted to that tribunal for nothing but ill-will, discredit, and reproach; for the power and energy, the whole force, and entire effect of the Excise, are derived from the plan which it adopts in charging and collecting the duties; a plan that has not the smallest necessary connection with an arbitrary mode of trial, and that owes its success to the wisdom of two specific principles: the first of which is, that the officer shall be empowered to keep an account of the trader's stock, and to prevent, by this expedient, his selling a greater quantity of goods than that for which he has paid the legal demands of government; the other principle is, that this account of stock shall be taken by different officers in succession, that the surveyor shall follow the gauger, that the general surveyor shall examine and be a check upon the accounts of both; and that the mischiefs of a corrupt connection between the trader and the officer shall be prevented or remedied by a frequent removal of the latter to a new and distant station.

Am I asked for a proof of these assertions? Am I told that in support of an opinion which denies that the energy of the Excise code depends on its judicial system, the evidence of strong facts should be produced? My answer is, the proof is easy; for it is founded on two facts, which are perfectly decisive. Of these, the first will show from actual experience that when the plan of collection, as already described, is completely applied, the system of arbitrary trial may be abandoned without any inconvenience. The second of the two facts will show that where the keeping a regular account of stock is not attainable, and where, of course, the plan of collection cannot be applied, the powers of the despotic tribunal have been found to be altogether ineffectual.

To prove the first of these points, the perfect sufficiency of the mode of collection in all cases in which the rules of the collection apply, I appeal to the effect of the Excise duties in the two great articles of leather and malt; for in all decisions on those duties, by two Justices of the Peace, (who in the country represent the Commissioners of the Excise) a right of appeal to the judgement of a jury is given by the law; yet I never have seen the shadow of a proof, or heard of the remo-
test

test insinuation that the duties on these articles are less faithfully paid, or less easily collected, than on those which deprive the subject of a trial by his peers.

To prove the second of the two points, and shew that in those cases in which the officer has no means of keeping a regular account of stock, the despotic jurisdiction of the Excise is wholly unable to invigorate the system, I appeal to the effect of the excise duties upon tea; for, as in that article, the account of stock is baffled by the retail trade, the consequence has been, that as long as the high duties presented the temptation, no branch of the revenue was ever so over-run with fraud; yet the arbitrary tribunal of the Commissioners exerted its utmost force, and exhibited a convincing proof, that the uneasiness which the constitutional objections to its existence naturally produce, is not accompanied by the delusive palliative of an increase of income to the State.

To what, then, is it owing, that a connection, so useless, and every way so impolitic, between a judicious mode of collecting the revenue, and an arbitrary system of trial, has prevailed from the establishment of the Excise? It can only be ascribed to the nature of that bargain, not expressed indeed, but perfectly understood, between the King, on the one part, and the Parliament on the other, from which, in the reign of Charles the Second, which established the statute, the excise originally arose; for, while by that bargain, a compensation was given to the Crown for the revenue which had arisen from the Court of Warls and Liveries, which Court it consented to abolish, an idea seems to have been strangely entertained, that an equivalent was due for loss of *power*, as well as for defalcation of income, and that in justice to the King, the abolition of one despotic Court ought to be followed by the establishment of another.

On the constitution of the Excise tribunal, the nature of the evidence, the rapidity with which the notice of trial succeeds the information, and on which the execution follows the judgement, I shall not comment at present; but, in a future session of Parliament, I hope an opportunity for the discussion may arise; for, until the right of appeal to the judgement of a jury shall be given, every extension of the excise laws must be considered as a new inroad on the Constitution; an inroad that will ultimately prove as injurious to the *revenue*, as in its immediate effects it is obviously detrimental to the interests of *freedom*. For, in this kingdom, the greatest part of the revenue is collected on the capital which is employed in trade; now, the amount of that capital must depend on the idea entertained of its security; but what idea of security is compatible with a trial, in which the judges are appointed and paid by the prosecutor, are removable at the

pleasure of the prosecutor; and in which the evidence for the prosecution is entitled to one half of the penalties and forfeitures that shall result from the conviction of the accused?

To a certain extent, the existence of an arbitrary tribunal, in a free country, may, perhaps, be admitted, without any high degree of practical inconvenience; for, the general spirit of the nation limits and counteracts the despotic spirit of the Court; but, to subject a large proportion of the whole trade of the kingdom to the jurisdiction of such a tribunal, is to weaken the basis which on the revenue principally rests. It is to remove the stones from the foundation of the column in order to add to its height.

To the present motion, for the reasons which I have assigned, I cannot give my support; but if, in a future session of Parliament, a bill shall be offered, to establish, under certain regulations, the right of the subject to appeal from the judgement of the Commissioners of Excise to the judgement of his peers, I shall gladly applaud the wisdom of the measure, and be happy to contribute whatever I can to its support.

Mr. Pulteney. Mr. *Pulteney* observed, that he trusted that he should constantly feel the most invincible determination not to admit, that because there would be a multiplicity of suits, if those under the Excise laws were allowed the benefit of trial by jury, this circumstance should operate as a satisfactory reason for denying the right of trial by jury. If there were not tribunals sufficient, let a new Court be instituted. A well-regulated Government should be open to the hearing of all the grievances complained of by its subjects, and knowing the expence of contesting with the Crown, people would not rashly waste their property, and appeal to the Court, unless the chance of their succeeding should appear at least tolerably evident.

Mr. Fox. Mr. *Fox* remarked, that he felt it impossible to discover, without concern, that many persons, blinded by a species of political phrenzy, were thrown into so superstitious a reverence for the revenue, that they would sacrifice every point whatever for such an object. If it was true that all the rigour of the Excise laws were necessary for the protection of the revenue, then the bill as it stood was to be justified, admitting, what he never could agree to, its principle to be right; but, if it were true, that trial by jury could be allowed without injury to the revenue, how cou'd there be a doubt but that it ought at least to be resorted to as an experiment? The tobacco manufacturers not having the Excise laws applied to them before, had every right and claim of justice to the utmost latitude of legislative indulgence. Their case was distinct and different from that of other trades long

since

since subjected to Excise laws. If it failed of the wished-for effect, and the excise was defeated of its object, (the security of the revenue) and it should be found that the failure was owing to the fraudulent conduct of the manufacturers of tobacco and snuff, then they would only deprive them of their birth-rights, which ought never to be done but in cases of the most urgent necessity. As to the multiplicity of causes, men who thought that they should not get redress, were not likely to apply for justice. But it was a matter which would be brought to a question of fact, and if there should arise a multiplicity of causes, it would, doubtless, be at the beginning. As to the question, whether the tobacco manufacturers merited any particular indulgence; undoubtedly, they did not merit any particular indulgence; they did not claim it; but surely, they did not merit any particular hardships. When they talked in that House, day after day, of the birth-rights of Englishmen, for which they had shed their blood, and were ready to shed it again, did they mean nothing but empty sounds? The lateness of the period of the session, the scanty attendances, and the impossibility of his doing any good, Mr. Fox said, had been his reasons hitherto for not troubling the House with any remarks on the subject; but he could wish gentlemen to consider, that the extension of the Excise laws was a very important object, and that bringing such a measure forward at that time of the year, when it could not be properly discussed, betrayed a most inexcusable indifference concerning the rights and liberties of their compatriots.

Mr. *Attorney General* contended that it would prove equally detrimental and impolitic to introduce any innovation in a General system of laws which had continued in force since the reign of Charles the Second.

Mr. *Sheridan* observed that, although too well assured that every effort to procure relief would fail of its desired success, he could not avoid advising gentlemen to take care of being seduced into the idea of the trial by jury being ever suffered to prevail in cases of excise, by the gentlemen on the other side the House. One honourable gentleman over the way talked of the excise laws taking place in the reign of Charles the Second. A learned and honourable gentleman had said, if they introduced the trial by jury, it would be an innovation; now, the fact was, the excise laws were an innovation on the constitution, and every extension of them was an additional innovation. But the light in which gentlemen differently placed it was very curious; every person found that it would be a desirable point to have a trial by jury; but, one said, "Let us not tamper with the existing revenue; wait a while, till the excise is more extended, and
" then

“ then we will have a general bill.” Another had said before, “ If it was a particular case, there would be no objection to try the experiment ;” and so between the two opposite reasons, there was no hope of ever obtaining the relief desired. Mr. Sheridan mentioned the case of one Corenno, a manufacturer established in Prussia, whose secrets in his trade the Government wished to discover, and, for that purpose, were preparing to subject him to regulations like those of excise. The consequence was, that he instantly removed, established his manufactory near Amsterdam, and the Court of Berlin in vain endeavoured to prevail on him to bring his manufacture back to Prussia. Mr. Sheridan laid considerable stress on the disclosure of the mysteries of snuff-making, which, he contended, were still, under the bill, exposed to the discovery of the excise officers. As a proof of the value of the secret of mixing, he stated that Brazil snuff, which cost but sixpence a pound originally, by the flavour given it in mixing, sold for ten shillings a pound.

At length, the House divided on the question,

Ayes, 16; Noes, 55.

The clauses were then proceeded with, until the clause, prohibiting the manufacturer from mixing sand in his tobacco was read, on which a debate took place between Messrs. Sheridan, Rose, Berkeley, Phipps, Fox, Newnham, Sawbridge, and the Marquis of Graham; but, as the arguments were not particularly novel or interesting, we shall not trespass upon the time of our readers, by a recapitulation.

The question was put, and the House divided,

Ayes, 62; Noes, 14. Majority 48.

When the Speaker put the question for the bill being ingrossed,

Sir Wat. kin Lewes Sir *Watkin Lewes* having premised how imperfect the bill had been when it was first introduced into the House, added, that notwithstanding those amendments, he thought it inadequate to the purpose proposed. The bill, instead of securing the revenue, would decrease it, in the opinion of those who were the most competent judges. It laid such restrictions upon the fair manufacturer, as tended to drive him out of the country, and by giving the inhabitants of other countries the benefit of the manufacture instead of this, it would lessen the importation of tobacco, which would be consigned to foreign countries, and the articles and commodities of other countries would be taken in exchange, and in preference to those of their own. The general trade of the country was involved in the subject, freightage and insurance, whilst they were attempting to secure a revenue at the hazard of the trade and welfare of the country.

Mr.

Mr. *Samuel Smith* referred to the periods at which excise laws had passed, and stated the different circumstances under which the manufacture might be carried on in Holland and at home. In Holland, the manufacturer could derive as much profit from turning a capital of two thousand pounds as he could do here from the employ of a capital of ten thousand. He cautioned the House, therefore, against the obvious result of this comparative advantage. Where the difference was so great, how could we expect the British manufacturer to remain at home after he had been subjected to the embarrassing and irksome restrictions of the present bill? The bill, he contended, would, altered as it was, disclose the mysteries of the snuff manufactory, upon which more than gentlemen imagined depended. What, he asked, had hitherto confined the snuff manufactures to this country, but the mystery of mixing the articles of manufacture, so as to give the snuff a flavour, which the foreign manufacturer could not imitate. The instant the bill passed, manufacturers would be tempted by the advantage of carrying on their manufactory at four-fifths less capital, to go abroad and settle on the other side the water: they would carry with them the mystery of scenting and flavouring their snuffs, and the circumstances which had operated hitherto as an insurmountable objection to the sale of foreign manufactured snuffs would no longer avail. Mr. Smith compared tobacco with teas as an article of smuggling, and asked if they could, from the nature and circumstances of the case, have made a law against smuggling or selling smuggled teas? As much difficulty, he contended, stood in the way of preventing the smuggling of tobacco. Was there a Member, he desired to know, who could say that the article would not be smuggled? Let them, therefore, not adopt a measure which would prove ineffectual, but bring in a new bill, either that session or the next, which should be practicable and more likely to answer the purpose of the revenue without so much inconvenience and oppression of the fair trader.

Mr. S.
Smith.

Mr. *Wigley* signified his objections against the bill in its present form, notwithstanding all the advantages which it had received, as he was free to confess, in the Committees. Whenever a matter of necessity should present itself urgent enough to warrant the extension of the excise laws, Mr. *Wigley* said, he might be brought to approve their extension; but otherwise, he trusted that every man who heard him would agree with him, that the excise laws ought not to be extended.

Mr.
Wigley.

Mr. *Alderman Watson* said, he hoped, early in the course of the ensuing session, to see a bill introduced for the purpose of applying the right of trial by jury to all persons sub-

Mr. Ald.
Watson.

jected

jected to the laws of excise. He descanted respecting the circumstances on which a free and liberal commerce chiefly depended for its prosperity; it was not on the sight of armies, or of the arsenals of fleets, but, on national encouragement and protection. He argued the great advantage resulting from the bulk of the article of tobacco in respect to our carrying trade, and spoke of Lord North's act in favour of that important part of our navigation with applause. America, he said, it was well known, produced but three staples, tobacco, rice, and indigo, and we ought to make the most of each, considering that they were raw materials, and therefore the more valuable. He stated the nature of the bonds to be given upon exporting, and the penalties to which the merchants who gave such bonds were liable, (formerly 5000, and now 3000l.) unless the said bonds were redeemed by the exhibition of certificates from the foreign ports where the tobacco was landed. He explained, that much of the tobacco exported was landed at ports, whence no legal certificate could be obtained, the importation of tobacco from England into those ports being, by the law of those countries, prohibited. He declared, that the present was the stage of the bill at which he should make his stand; that he had opposed it upon its principle, and opposed it in detail, but that he had not harrassed it with a captious opposition. He admitted, that it was altered much for the better in the Committee, and that a great part of the objections to it was done away; but concluded with desiring the House not to flatter themselves that the commerce of the country would wear such fetters as that bill provided, and assuring them, that they were giving up the substance for the shadow.

Mr. Sheridan. Mr. *Sheridan* said, that no person on that side of the House had made the smallest objection to the bill, till after the trade and the city of London had petitioned against it; when they had imagined that the sentiments of so respectable a body, expressed in the most marked manner that ever had perhaps been known against any bill of commercial regulation, would have experienced that degree of respect and attention which had been formerly the constant and uniform consequence of petitions from the city against bills of that description; but, in the present case, the petitioners had been paid not the least attention to. He could have wished that the two honourable gentlemen behind him, who spoke last, had contented themselves with making their opposition to the bill in the manner they thought best, without obliquely conveying reflections on the conduct of other gentlemen who had acted differently. He had attended to the bill in all its stages, and listened to all the evidence, and perhaps he should give

give the honourable gentlemen but little information, when he informed them, that the properest time for opposing the principle of a bill, was on the second reading; the time for opposing it in detail was in the Committee; the time of opposing both principle and detail was on the report; and that the opposition of the report was the feeblest of all opposition, excepting to the third reading.

Mr. *Samuel Smith* begged leave to assure the honourable Mr. *Sam. Smith* gentleman who spoke last, that he had totally misinterpreted his meaning.

Mr. *Smith* was told from the Chair, that he might speak in explanation, when the honourable gentleman sat down, but could not interrupt him, unless he spoke to order.

Mr. *Smith* said, he spoke to order, and was proceeding to answer Mr. *Sheridan*, when he was again called to order.

Mr. *Sheridan* continuing, remarked that he should be sorry Mr. *Sheridan* to misinterpret any gentleman's arguments. He was not aware when the two honourable Members had their instructions from Worcester; but they certainly would not have shewn their zeal less if they had opposed the bill more in the Committee. They, perhaps, confounded the principle of legislature and that of manufacturing tobacco, and thought it wrong to enter the house, during the process of manufacturing the clauses, and mixing the provisions, and measuring the ingredients, in like manner as they would have the Excise officer avoid entering the room when the process of the manufacture of tobacco or snuff and the mixing of materials was going on. That was a very good rule in making tobacco, but not in making a law.

Mr. *Smith* declared that he had, from the beginning, opposed the bill; that he had troubled the House, perhaps, too often, in every stage of it, and meant what he said before as an apology for that conduct; that he had thought it more manly to do so, instead of waiting to feel the pulse of the House first upon the subject.

Mr. *Smith*.

Mr. *H. Thornton* said, that the observations of the honourable gentleman (Mr. *Sheridan*) who spoke before him, and who had complained that gentlemen were so late in opposing this bill, applied, perhaps, as much to the right honourable gentleman (Mr. *Fox*) who sat next him, as to any other persons in the House. For his own part, being an enemy to this bill, he had often lamented that the right honourable gentleman, and many other of his friends who were equally adverse, had not come down to the House upon so popular, as well as proper, an occasion; but had delayed their opposition so long, that there was now no hope of its being effectual. The honourable gentleman had complained, that no notice had been taken of the bill on the day of its being

Mr. *H. Thornton*

first opened to the House. He believed he informed the honourable gentleman upon this point: the Members for the metropolis and its neighbourhood were all absent, except himself, at the commemoration of the repeal of the shop tax, and he had also been under a considerable dilemma, whether to obey the request of some of his constituents, who called his attention to the tobacco bill, or the request of others, who invited him at the same time to the commemoration.

The principle upon which he opposed the bill, was not exactly the same, as had hitherto been urged in the House. The manufacturers, the counsel, and other gentlemen who followed them, had, in his idea, rested their objections too much on the trouble and difficulties to which the manufacturers would be put, by being subject to the excise laws. This was an objection of some weight, certainly, but not sufficient to overthrow the bill; and indeed, it was now proved to be but a weak ground of argument, since much of their objection was actually removed by the amendments made in the Committee, and those who went only upon this principle were therefore now left with little ground to stand upon. His own great objection to the bill was this, that it was a violent and vain attempt to obtain a revenue of 4 or 500 per cent. from an article which could not possibly be made to yield it; and he could not help fearing, that while we were thus grasping at revenue, we might lose the manufacture itself. The evidence of several persons at the bar, as well as many other circumstances, proved that there was a real danger of this sort. He hoped, however, that Government would be watchful upon this point, and in case the bill should fail of its effect, which a little time would shew, that they would come forward and propose a reduction of the duty, which he heartily wished they had been willing to do now. There were, as yet, he doubted not, many fair dealers in this trade, who, though they must lose money at present, were induced to persevere merely by the hope, that something effectual would at length be done for their relief; he wished, therefore, for the sake of such persons, still to hold out the expectation, that some period would be put to the hardships under which they were placed by these enormous duties. As to the popular argument of excise, he did not consider this as conclusive upon the subject, because, if excise was more necessary in the case of tobacco, than in cases to which it was already applied, he thought it even to take some other articles out of the excise, and if necessary, to substitute tobacco in the place of tea, which was still under the excise, might, as he thought, be allowed to be taken out. His chief objection was the inefficiency of the bill, and the application of the excise

excise laws, without sufficient reason to justify it: he had voted often in the Committee, contrary to many persons whom he now joined in opposing the bill, because he wished to give it every fair chance of success, by making it as efficient and as good a bill as possible, but he could not help fearing that it would be found to fail of its effect.

Mr. Fox remarked, that the honourable gentleman had talked of the best mode of opposing a measure; but, for his part, he thought it was the duty of every man to oppose what he thought fit to be opposed, in the manner in which he conceived his opposition could be most effectually applied. He did not wonder at what his honourable friend (Mr. Sheridan) had said, when the honourable gentlemen behind him had declared that they took their stand there, and did not approve of harrassing the bill, by hanging on it perpetually, not deeming it liberal to oppose a measure in every stage. There certainly was a degree of oblique censure on the conduct of other gentlemen conveyed in such observations. Perhaps, like him, some of the gentlemen, Mr. Fox said, had not attended much to the business. He had not, he owned, because from the sort of manner in which the first mention of the bill had been received, he saw clearly that little effectual opposition could be made against it. He agreed, notwithstanding, that every man should attend to the business throughout, whenever there was a prospect of its being crowned with success, and when there was a probability of such being the effect, perhaps, harrassing a measure by continued opposition in every stage of it, was the most likely way of putting an end to and defeating a bad measure. If the measure did not prove either bad, or so bad as to call for determined opposition, such a mode of opposing it was certainly not necessary. There was another point which called for observation, and that was, what the honourable gentleman who spoke last had said of the meeting in commemoration of the repeal of the shop tax. He did not think that honourable gentleman, of all men, would have attempted to ridicule the repeal of the shop tax, because the honourable gentleman had more than once professed himself to be a sincere well-wisher to that measure. Perseverance, the honourable gentleman had said, would do all things, and the strength and effect of perseverance was never more fully seen than on that occasion. The repeal of the shop tax was a fit subject of commemoration, because it was the triumph of reason and just argument over ignorance and obstinacy. It was also worthy of commemoration, in as much as it proved to that House, that a blind confidence ought not always to be placed in Ministers, since the proposers of the shop tax had been at length obliged to confess, that the reasons assigned for the propriety

propriety of its repeal were founded in truth, and that the grounds on which the proposers of it had maintained and defended it, were erroneous and delusive. With regard to the popular act of opposing the present bill, which the honourable gentleman who spoke last had sarcastically imputed as the cause of his attendance that day, Mr. Fox denied that his attendance was occasioned by any desire of seizing on that opportunity of retaining popularity. In fact, if any such weak and idle motive could influence his public conduct, on any occasion, that was an unseasonable moment for its exercise; because, so far from opposition to the measure being popular, he had every reason to believe, that it unfortunately happened that the reverse was the fact, and that the people of this country were so changed in their nature, and so altered in their feelings, that they had become, as it were, enamoured of the collectors of taxes, especially under the Excise laws, and that they looked up with eagerness and with gratification, to invite the most wanton exercise of power; and, as if nauseated with the sweetness of liberty, were anxious to wear the badge of slavery and of despotism. As to his not having attended the bill more closely, he had already stated, that he had not done so, because he plainly saw, that all opposition would be fruitless; but surely, the honourable gentleman, and other gentlemen of the same description, had no right to expect that, on every occasion, when the interests of their constituents, or some personal motive to themselves, induced them to wish the measure of the Minister opposed, that he, and those who acted with him, would be at their command, and ready to act as perpetual adversaries of the Minister and his measures, whether those measures should appear to them to be well or ill founded? It should seem as if the honourable gentleman, and those who pursued the same general political line of conduct, but who, nevertheless opposed the present bill, considered Opposition as the standing counsel against the Crown in that House, ever to be resorted to in the moments of difficulty, and therefore as necessary to exist as Administration. What was this but laughing at them? What was it but saying, “We have put you into the most humiliating situation; you shall have no share of the power, no share of the honours, or emoluments of office; but we expect to command your public services, to profit by whatever abilities you may possess, to be joined by you and your friends, whenever we want the assistance of either.” Was it not, in other words, saying, “We have raised one man to a degree of power which makes all opposition useless. By our false clamours against you, and our delusions respecting him, we have taught the Public to look up to him as something more than man; hence his measures,

“sures,

“ fures, however mischievous, however fatal, are scarcely
“ to be resisted; but remember, we look to you to watch
“ him. Do you take care that he does no mischief in his
“ situation. It is your office to sound the alarm, when
“ danger lurks beneath a plausible pretext; and to oppose
“ yourselves to the occasion, so that the evil may be in time
“ averted.” Having deprived them of the means of resistance
with any hopes of success, by putting them into so useless a
situation, to call upon them to oppose, to check and to stop
the Minister’s measures, was neither more nor less than di-
rectly laughing in their faces, and adding insult to injury.

Mr. Fox declared that he was one who differed much from
the honourable Alderman behind him, who had said that
he thought that this bill was following former examples.
Under no Administration had the excise been extended in
the manner that it had been under the present. He had seen
the fustian manufacture attempted to be put under the excise,
but he thanked Heaven that the attempt had proved abor-
tive. When he saw the wines put under the excise, he had
then opposed it, because he would oppose every extension of
the excise laws, being convinced that they were a system of
laws under which no freeman ought to live, as they were
utterly incompatible with a free constitution. The excise
upon wines had been said to have proved successful; if they
had proved ever so successful, still he should retain his opi-
nion against that measure. But he did not admit that the
scheme respecting wines had been fairly tried, or that its ap-
parent success was imputable to the articles being under ex-
cise laws. The French commercial treaty had taken place
soon after the wines were put under the excise laws, and the
increase of the consumption of wines, and the wine duty
revenue, might as properly be ascribed to the effects of the
commercial treaty, as to the effects of the application of
excise laws to the article. But his objections were founded
in other notions than a mere view of the revenue. He was
aware that, with some men, an increase of revenue out-
weighed every other consideration. He thought far differ-
rently; it was the probable success of the application of the
excise laws to tobacco which he deprecated, because he con-
sidered a farther extension of those laws, as an additional
symptom that by degrees all our trade would be subjected
to the excise laws, and our liberties and our constitution,
hitherto regarded as inestimable, and boasted of repeatedly
as beyond all price, would fall a sacrifice to revenue. How-
ever old fashioned the idea might be, he gloried in saying, that
if the excise on tobacco would bring in half a million a year,
he would oppose it. It was the principle of extension of the
excise laws which he resisted; and in doing so, he considered
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the increase of revenue as no object. He declared, that he rather took the opportunity of saying this, because it might be objected against him, that, as he, the other day, had contended, that our revenues fell short of our expenditure, and that means for their increase ought to be resorted to, he of all men ought not to oppose the present bill, which was one of those means which, in the consideration of the present Ministers, was deemed most likely to prove effectual. He did, nevertheless, resist the bill, because he considered the extension of the excise laws as undermining the foundation of our Constitution with a view to raise the superstructure, which would be a sacrifice that no friend to his country ought to consent to make. But so far from this bill answering its end and producing a large encrease of revenue, he had heard persons, who might be supposed best to know the subject, say that the bill would produce a contrary effect, and that the trade would fall in consequence. He reasoned upon the dangerous effect of thus extending the excise laws, and contended, that it manifested a forgetfulness of those blessings, which it was so much our habit to boast of as an enjoyment beyond the reach of most other nations. It seemed as if liberty and a free constitution were merely talked of and not felt; as if they were words only fit to decorate a speech in Parliament; a beautiful theory, but no longer compatible with practice, or fit for enjoyment. It was the more wonderful that this apathy to a sense of our own advantages should take place at a period when this country was enlightened almost beyond all other nations, when it was distinguished, not only for the extension of science; not only for the spreading of literature; not only for the success and improvement of the fine arts; not only for its superior advances in history, philosophy, and universal toleration; but for all which was great and glorious, useful and ornamental in man! That, at such a moment, we should be so blind to our own advantage, so madly bent on sacrificing the solid and substantial blessings we enjoyed, was most astonishing; but nothing could be more certain, than that if we went on extending the excise laws in the manner we had lately done, it would be a preference of revenue to the Constitution of the country.

When this country ceased to be free, the people would cease to be industrious, and consequently cease to be wealthy, and when the nation ceased to be wealthy, it would cease to be powerful. The real source of revenue was, he contended, the riches of the people; but if the excise laws were made general, all opportunity of acquiring wealth would be at an end. The first attempt at the introduction of the excise laws had been made in the time of Sir Robert Walpole's
administra-

administration. Sir Robert Walpole, he thought, had been treated with less respect than he deserved; but it was much easier to load the memory of a dead Minister with calumny than to traduce a living Minister. Sir Robert Walpole, all circumstances considered, and allowing for the foibles to which all mankind were liable, had, in his opinion, been a wise Minister for this country. In his time, the debt of this country had increased to a size alarming to the politicians of that day. The general language was, that the Minister ought to resort to means of encreasing the revenue. Sir Robert Walpole had listened to the advice of those about him, and had proposed an excise scheme to that House. The consequences were well known, and it was a proof of Sir Robert Walpole's wisdom that he had relinquished the scheme. The next excise heard of, was in the administration of the Earl of Bute. At that time, an attempt was made to carry an excise on cyder; but it was clamorously resisted. There had been a distinction taken, and it was said, excising cyder was bringing the excise into a private gentleman's house, whereas an excise on a particular trade was very different. Mr. Fox declared that he saw no force in the distinction. If excise was inadmissible in the one instance, it was not less so in the other. The shop of the trader was as much in his castle as the dwelling of the private gentleman. He was not one of those who thought none useful but such as, by arts and arms, by their military services by sea and land, and by commerce and manufactures, conduced to the public wealth and revenue; the country gentlemen, or, in fact, the true nobility of the kingdom were useful likewise; but he could perceive no reason why those who of necessity were deprived of the trial by jury, that glorious mode of trial which they ceased not every day to praise, while they were daily taking it away (he meant the navy and army) and those employed in manufacture and trade, should be excluded the benefit of a trial by jury and the enjoyment of that benefit be left solely to the country gentlemen and the idle. The prosperity of this country and its wealth and commerce depended on its constitution and its freedom, and to confine liberty to the enjoyment of those who were comparatively idle, was unjust, absurd, and preposterous. They had no fair grounds whereby to calculate the probable produce of the scheme of applying the excise laws to tobacco. Might not the truth be, that tobacco being such a good article for taxation, as he confessed it was, had been pushed too far, and taxed, beyond what it could bear? All evils were softened by our being habituated to them; and if excise laws were suffered tamely to be applied to one trade, they would soon be applied to another. He ascribed this to
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the apathy of the people in general, when the excise laws were applied in any one instance. The tobacco manufacturers, when they entered upon the trade, little expected this measure; and, perhaps, from the encouragement given in Sir Robert Walpole's time, they thought tobacco the last article which would be put under the excise. Other trades, who possibly were at present as little aware, or in expectation of being subjected to the excise laws, would, he had no doubt, be soon called upon to stand in a similar situation. He asked if there was any man acquainted with the freedom of the constitution, who did not think the excise laws more harsh and oppressive than could be borne? He declared, therefore, that he came down that day, not so much with any great hope of successfully opposing the bill, as with a view to state his opinions on the subject, and to enter his general protest against a scheme, which he completely disapproved. If in a country where every trade can see its own danger by what happens to another, they do not feel it as a common cause, and join in resistance whenever the excise laws are attempted against any one article of manufacture, they gave but bad symptoms of their hearts, or their understandings. If the tobacconist, when he saw the wine merchant taxed, and put under excise laws, stood by and said to himself, "Let the excise go to the wine merchant so that I am free," he acted foolishly, and scarcely deserved to be assisted, when the case should become his own. The wine merchant, in like manner, might say the same of the tobacconist and of the country gentlemen, whereas it was now proved, that the oppression of the excise laws would fall upon both. Those who would not assist another, must not expect to be assisted themselves in the hour of danger. Mr. Fox expatiated on the preference due to regulations in regard to old taxes, rather than to new taxes, which latter all feared, because they knew not on whom they would fall; but the present regulation, he continued, would not answer, and when he said so, he declared it to be his belief, not originating in any wish for popularity. The bill seemed little to interest the public in general, and if Parliament would not attend their duty, and if they who were most interested in the subject had abandoned it, he saw no prospect of stemming the tide, and recalling them to a due sense of their own interest; but standing as we did, the first country for literature, for science, and all which could improve and adorn mankind, that the sources of those enjoyments should be so forgotten must mortify every man who admired the freedom of our Constitution, and the equality of our laws.

Mr.

Mr. *Dundas* rose, and said that he begged the honourable gentleman might be permitted to go on ; and as to any thing personally offensive, he hoped that the right honourable Speaker knew him better, than to suppose that he could not set buffoonery at defiance. Mr. Dundas.

Mr. *Courtenay* returned his thanks to the right honourable and learned gentleman for the candor of his remark. It was perfectly consonant with the consistency of his character. The right honourable and learned gentleman had convinced him that he was not at all irritated, he smiled so much. He reminded him of Sir Fretful Plagiary, who, when he was told an unpleasant thing, said, "Am I in a passion? Look at me. I defy buffoonery; hurt me! it's impossible." Just so with the right honourable gentleman. Mr. Courtenay declared, that he should always be happy to entertain the right honourable and learned gentleman with such buffoonery, being satisfied that his veracy and consistency would supply him with constant food for it. Mr. Courtenay next adverted to the first mention of the word Excise in that House, which, he declared, had, at the instant, caused a general ferment. The late noble Earl of Chatham had been, he observed, at the head of those who raised the senseless clamour. As the right honourable and learned gentleman spoke sometimes in a foreign language, Mr. Courtenay said, he would take the trouble of translating for him; the right honourable and learned gentleman had it not in his power always to understand what he said himself, much more to explain it to others. Perhaps, he did not know the meaning of the English word Idol; it was a sort of a thing cut out of a block of wood, or any other substance of no intrinsic value, set up by others to be worshipped by those whose superstition made them fit subjects for delusion and imposition to work upon. Mr. Courtenay

The question was at length stated, and the House divided;

Ayes, 70; Noes, 20.

Major *Scott* said, that a very extraordinary account had been presented early in the day, to which he had taken the liberty to call the attention of gentlemen. It was an account from the Exchequer of the money advanced for carrying on the impeachment of Mr. Hastings; when he had looked into the particulars, he confessed it had struck him with infinite surprise; for, it appeared that the sum expended last year, was eight thousand and fifty pounds, when there was much preparatory business to do, and the Court sat thirty-five days; but this year, when it had only sat half that time, the expence amounted to the enormous sum of twenty thousand three hundred and twelve pounds. This he conceived to be a point well worthy the attention of the House; and he had made a motion, which was seconded by an honourable Maj. Scott

Member, (Mr. Berkeley) for the particulars of the expenditure; but as none of the Managers were then present, he had withdrawn it, till they should be in the House. However, considering the lateness of the present session, he should merely content himself with calling the attention of gentlemen to so extraordinary a circumstance; and unless some other Members, at a time when a reduction of unnecessary expence was so much talked of, should think it worth their while to take it up, he should say no more about it in this advance state of the session.

Mr. Pulteney.

Mr. *Pulteney* rose to move for a resolution, obliging the parties in contested elections to exchange lists of objectionable votes in cases of elections for boroughs and cities, in like manner as was at present done in cases of elections for counties, under the authority of a special act of Parliament, by an annual resolution of the House. Mr. Pulteney explained the objects of his motion, and stated a second resolution, which he meant to move, declaring that he troubled the House at the instance of the Westminster Committee, and upon their recommendation.

The motion was seconded by Mr. Carew.

Mr. Anstruther.

Mr. *Anstruther* opposed the motion, as well on account of the impropriety of bringing forward a motion of so much importance at so late a period of the session, and at so late an hour of the night, as on account of the strong grounds of objection to the motion itself. Mr. Anstruther adverted to what he termed the essential difference between a county election, and an election for a borough. In the former, the right of election was known and ascertained. In the latter, various rights of election might be set up.

Mr. Dundas.

Mr. *Dundas* urged the customary proceeding of moving for a previous Committee, to consider and report, before any resolution was moved in the House as a standing order.

The Speaker.

The *Speaker* understood that it was not absolutely necessary to have a previous Committee.

Mr. Fox.

Mr. *Fox* spoke of the gross injustice which would, in some cases, result from having such a rule of conduct prescribed to parties, on the trial of the merits of a contested election for a borough, where the right of voting was doubtful: he put the case of the Westminster election in particular, and stated, that if either he or Lord John Townshend had been petitioned against, and they had thought paying scot and lot the true right of voting, as in the late election it had been decided to be, how awkward it would have proved for them to give in lists, disqualifying voters against them for what they deemed legal qualifications, or else become liable to be obliged to charge the petition as frivolous.

Mr. Secretary *Grenville* said that he leant rather to the resolution as moved; but had not been aware of the strong objections which had been made against it. He wished, therefore, that a Committee might be appointed to consider, previously to its being moved in the House, or that it might stand over for the present. Mr. Wm. Grenville.

The *Master of the Rolls* declared that he had insuperable objections against it; and therefore, at present, he hoped that the honourable gentleman would not press it at that late hour of the night. Master of the Rolls.

Mr. *Pulteney* answered, that his opinion in favour of the motion was not shaken by what he had heard, but he would not persist in opposition to the sentiments of so many respectable men; but, with the permission of the House, he would withdraw the motion for the present, and consider of it against the next session. In the course of his speech, however, Mr. *Pulteney* said, that the idea of the motion was neither his own, nor was it new. It had been long since started, and recommended as highly necessary for the dispatch of business of Election Committees, and the saving of time. In proof of this, he read an extract from *Douglas's Reports of Election Cases*, and he stated also, that another reporter had recommended it. Mr. Pulteney.

The House adjourned.

Thursday, 16th July.

Sir *Gilbert Elliot* having signified his earnest wish to obliterate, as much as possible, an impression which might otherwise be made, not less erroneously than dangerously, upon the minds of the public, in consequence of a remark which fell, in the course of the preceding day, from an honourable gentleman (Major Scott) relative to the expences incurred by the trial of Mr. *Hastings*, observed that the honourable gentleman had stated, that the expence of the last year was but a little more than eight thousand pounds, but that for the present year it was upwards of twenty thousand, and that it appeared a growing expence well worth the most serious attention of the House. The fact was, however, the reverse of that statement; the expence incurred in the present session was considerably less than what had been incurred in the last; but eighteen thousand pounds had yet been received by the Solicitor, upwards of twelve of which were incurred in the last, and but five thousand five hundred pounds incurred in the present. In this statement, he did not include the fees to the door-keepers, and other officers of the Lords and Commons, and other incidental expences with which their Solicitor had nothing to do, and which, he understood, would not, when added to the other Sir Gilb. Elliot.

sum, make the total of the expences for the present session more than 7,400l.

Mr. Rose. *Mr. Rose* contended that it did not follow, because but eight thousand pounds were voted last year, and twenty thousand were to be voted this, that no more than eight were last year expended; that sum was voted previous to the conclusion of the trial for the last year, and it was very likely that a considerable part of the sum about to be voted was then incurred. Part of it was, as might appear from the treasury papers, if the House should think proper to call for them, for erecting and furnishing the Court, for fees to officers, and for other articles.

Maj. Scott Major *Scott* answered, that as he was the Member alluded to by the honourable Baronet, he begged leave to observe that an account had been presented on the preceding day from the Exchequer of twenty thousand three hundred and twelve pounds advanced for the expence of the trial, since the sum voted in the last year. This struck him, most undoubtedly, as a very enormous sum, and he naturally conceived that it was for the expence of this year; but the motion which he had made tended to give the House complete information. From the honourable Baronet's explanation, it appeared that a part of the sum to be voted the next day was in fact to be placed to the account of the last year, and that only 5,500l. of the whole was the expence of this year; so far the honourable Baronet explained the matter; but this explanation made no sort of alteration in the total, which actually amounted to 28,320l. The honourable Baronet, however, had informed the House that this was not the whole expence, for that a farther sum of about 1,500l. remained yet to be brought in, which increased the whole expence to near 30,000l.

Mr. Burke *Mr. Burke* declared, that he was totally a stranger to any part of the expence of the trial; that the managers had gotten rid of it last year, and that their Attorney and Solicitor, who was, in fact, the Solicitor of the House, (for so the House had made him) was accountable for the whole. *Mr. Burke* said it struck him, that the expences incurred the present year, could not be any thing like what the honourable gentleman had stated, because he had reason to believe, as far as his information went, that the expence incurred this year had been remarkably small, all things considered.

The Speaker. The *Speaker* begged leave to remind the honourable gentleman, that as there was no question before the House, the continuance of such a conversation was extremely disorderly. He said, his apology for having suffered it to commence must be, that finding something like a charge

was

was insinuated, he thought, in fairness, that an opportunity of explanation should be afforded.

Sir Gilbert Elliot moved "that the solicitor of the House be called in to give an account of the expenditure."

Sir *James Johnstone* objecting against the production of this account, remarked that the trial was for the honour of the nation, and if it cost a million it ought to be cheerfully paid.

Major *Scott* said that as there was a new motion, he would speak a few words to it. He always made a point of procuring the best information he could before he spoke in the House, and he desired to read the contents of the paper which he had received from official authority.

"May 19, 1788.—£.8,058 15s. 1½d. granted to make good the like sum issued in consequence of the expences incurred in carrying on the prosecution against Warren Hastings, Esquire

"£.20,312 6s. 4d. incurred since; and the account will be laid before the House this day by the Exchequer, in consequence of an order from the House on the 22d of May, 1789."

Now, said the Major, the gentleman who read the account would see that he had an undoubted right to suppose the latter expence was the expence of this year; but the main part was clear that so great an expence had been incurred, and the money paid; that the House knew now of 1500l. more, though it was not clear how much still more might be due to the present day.

Sir Gilbert Elliot withdrew his motion; the solicitor not happening to be near the house, as he had not been apprised of the conversation being likely to take place.

The House adjourned.

Friday, 17th July.

The House went into a Committee of supply.

It was moved that an account of the expenditure of Mr. Hastings's trial be referred to the said Committee.

The Speaker then left the chair.

Mr. Rose moved, that the sum of twenty thousand, three hundred and twelve pounds, be granted for the expences of the trial of Warren Hastings, Esquire, incurred since the last grant made by Parliament.

Major *Scott* desired that before he offered what he had to say, he might be permitted to ask the honourable gentleman if the sum now moved for included the whole expence up to the present time?

Mr. *Rose* answered that there might be other expences, for printing, Westminster Hall, and other charges incurred by the situation. These expences, during the preceding year, amounted

amounted to about 3,000*l.*, and this year they would be considerably less; but he could not specify the exact sum.

Maj. Scott Major *Scott* then said, that having all the information he could procure, he should make some necessary remarks upon what had passed, so as to set the matter in so clear a point of view, that no person living should mistake it, and he was very sorry that an honourable Baronet, (Sir G. Elliot) and a right honourable gentleman (Mr. Burke) should not choose to be present on the proper day for discussing the subject. Two days ago an officer from the Exchequer delivered into the House an account of the expences incurred since the last vote of Parliament, amounting to 20,312*l.* This struck him, and every other gentleman, as a very great sum, and he accordingly moved for an account of expenditure, similar to that which was laid upon the table in the course of the last year. The motion was seconded by an honourable gentleman, (Captain Berkeley) and just as the question was going to be put, the Major had desired permission to withdraw it, because the Manager, who was the Chairman of that body, was not present. Understanding he was in one of the Committee Rooms, the Major had sent a message to him to tell him that such a motion had been made and withdrawn, because the right honourable gentleman was absent; but that it would be made again as soon as he came into the House. The right honourable gentleman did not come down till the House got into the tobacco bill, and he went away before that business was ended, when the Major said, after calling the attention of the House to the enormous amount of the expence, and to the apparently considerable charge this year, beyond the last, he left it for the present. This had brought the right honourable gentleman (Mr. Burke) and the honourable Baronet (Sir Gilbert Elliot) down yesterday, and from their account, though they did not dispute the totals at all, they had informed the House, that the greater expence was incurred in the last year, and the smaller expence in this, a position which the Major was not prepared to controvert; but it determined him to get the most accurate statement which he could procure this day. By a reference to the Journals he found, that on the 20th of May 1788, a motion was made and agreed to, that the gentlemen who were solicitors for the Commons, should lay before the House an account of all the expences in their department to the 15th of May inclusive. In consequence, Mr. Troward did present a full account to the House on the 26th of May, and the total expence was 8,565*l.* and the trial continued from the 16th of May to the 13th of June, but there were only ten days of trial. It was natural, therefore, to suppose, and, indeed, it was so stated last year that the heavy expence was already incurred,

incurred; but now it appeared by the honourable Baronet's statement, that from the 16th of May to the 13th of June in the last year an additional expence of 3,435l. was incurred, because the honourable Baronet stated the expence of the last year at 12,000l. The House, therefore, was in this situation; they had been led to suppose that the expence of last year was considerably less than it turned out to be in point of fact; and when he (the Major) who depended upon the last year's accounts, had stated the heavy expence to have been incurred this year, he was accused of misrepresentation; but at the same time the Managers did not chuse to have the matter fully explained, by complying with the motion which he had made, for if they would agree to the production of the account there would be no opposition; and now it was clear that the expence, at the least, would be 20,800l. up to this day; but it was by no means clear that it might not be more. He thought it right to state these circumstances fully, and he was sorry that gentlemen who certainly were concerned, and ought to explain all the particulars, chose to be absent on a discussion in which they were concerned, because the solicitors acted under their orders on all occasions.

The House being resumed, Mr. Gilbert reported that the Committee had come to one resolution, viz.

"That it is the opinion of this Committee, that a sum not exceeding twenty thousand, three hundred and twelve pounds, six shillings and four pence, be granted to His Majesty, to make good the like sum, which has been issued in consequence of the expence incurred in carrying on the prosecution against Warren Hastings, Esquire, and which has not been already made good by Parliament." The same was read and agreed to, and the Report ordered to be received upon the Monday following.

The order of the day being read for the third reading of the tobacco duties bill, the same was accordingly read a third time.

A clause was offered "for permitting the tobacco to be kept in the King's warehouse for a certain time, after the time now limited on the payment of a weekly sum for each hundred of tobacco."

The said clause was immediately referred to a Committee of the whole House, the same was read and agreed to; after which the question was put that this bill do pass.

Mr. Alderman *Watson* observed, that the tobaccoists having fully deliberated on the bill as now before the House, had desired him to declare from them in the most respectful manner, that they considered the whole of the bill to be still unjust towards them; that many of the clauses bore so hard upon

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Watson.

upon the manufacture, that to all it would be highly injurious, and to many destructive.

Sir Grey Cooper. Sir Grey Cooper declared that he had endeavoured, with some diligence and attention, to understand the subject matter of the bill before he formed his opinion. He had read with great care the evidence given at the bar of the House, and compared the facts stated in the evidence with the regulations as they stood in the original bill, and as they now stood in the amended bill. He had conversed with several of the principal manufacturers, and desired them to explain to him some of their objections to certain clauses, touching the impracticability of applying those clauses to the processes of the manufacture of tobacco and snuff. He was convinced not only of their excellent understanding and of their clearness in communicating their knowledge to others, but of their integrity and fair dealing on the matter, and that they were incapable of suggesting a falsehood, or of suppressing a truth.

Before he went further into the main question, Sir Grey declared, that he did not oppose the passing of this bill merely on the ground of the extension of the survey and laws of Excise to the dealers and manufacturers of tobacco. The alarm which had agitated the nation and defeated the plan of Sir Robert Walpole, in 1733, was revived on the imposition of the inland duties on cyder, at the beginning of the present reign. He heard the late Earl of Chatham inveigh against the proposition with all the powers and splendor of his eloquence "*non solum fortibus sed fulgentibus armis*," and he spoke with particular animation on the good old maxim of the common law, "That every man's house is his castle." He would not repeat his expressions, though he remembered them very nearly; but he was afraid lest the salt and spirit of the eloquence might evaporate in his repetition. Yet it must be taken into consideration that in consequence of the powers given by the cyder-tax bill, the officers of Excise might enter the dwellings of makers of cyder, not for sale but for private consumption. That made an essential and particular objection to the cyder tax as it was first proposed. Upon the repeal of that act, Excise seemed to have laid asleep:

When it was proposed to extend the Excise regulations to wine, no great apprehension or alarm arose either in that House or without doors, on the account of that extension. The people seemed to have fallen into a state of carelessness and indifference about the matter, or they lived so happily in their houses, that they forgot that they are their castles. The truth was that the Commissioners and the Justices of the Peace, to whose management the execution of the Excise laws is trusted, for a long course of years, administered their great authority with so much moderation, and tempered the rigour of

of penalties and forfeitures with so sound a discretion, and made so judicious and so equitable an application of the powers of mitigation to the offences tried before them in their summary and final judicature, that an immense revenue was collected under the control and coercion of those laws, without grievance or complaint: we depended, indeed, upon their forbearance to execute their powers; for, if they were extreme to mark whatever is done amiss, the fairest trader could not abide it. Sir Grey Cooper trusted, however, that it was not become quite a matter of course, that any article of commerce or manufacture should be subjected to the inland duties and laws of excise, unless the Minister, who proposed the measure, could make a strong case for such a proposition. He trusted, that it would never be forgotten, that the principle of the excise regulations was averse from the temper and spirit of this constitution; and that we submit to the visitation of the officers, and the summary judicature of the Commissioners, merely on the ground of those powers being deemed necessary for the enforcing the collection of a revenue, on which the existence of the nation, as an independent power, is founded. To induce the House to consent to the extension, it ought to be proved, not only that great frauds are committed, to the diminution of the present taxes on the article, and to the manifest injury of the fair trader; but it also is necessary to be shewn, to the satisfaction of the House, that the article is of a proper nature, and equally to be surveyed and collected by excise regulations, and that there is more than a probability, that by adding the inland duties to the duties of customs, the revenue will be augmented to a very considerable amount. In the cases of almost all the great commodities, on which public revenue is raised, where there are several processes, intervals, and rests, in the manufacture, before it is brought to its complete state for sale and consumption, and where the officer can, at stated times, take his gauges and observations, the excise is the only proper mode of charging and collecting the revenue. This is clearly true with respect to the brewery of beer and porter. It is equally clear with respect to the making of malt; from which two great articles an immense revenue is levied, without any considerable fraud or evasion. So in the manufactures of leather, soap, and candles, but with somewhat more liability to illicit practices, than in the brewery, and making of malt. It has been found more difficult to charge and collect the excise duties on spirits made of malt and molasses; though there are certain rests and distinct stages in the processes in the manufacture; and although the duty was chargeable by the gauge of the officer on the wash, on the low wines, and on the spirit. An act has lately been made for making

a new mode of charging the spirit duty. The survey of excise was not applied with success to the article of tea. Here Sir Grey stated an account of the laws which had been made for imposing duties on tea, and the variations in the amount of those duties, in consequence of those laws, from the 10th of George I. home to the commutation project. He then returned to the consideration of the bill, which it was now proposed to pass. The bill, when it was presented to the House, contained many rules and regulations entirely inapplicable to the manufacture of tobacco and snuff, and physically impossible to be executed. The manufacturers were subjected to penalties for having those things undone which they could not do, and for having done those things which it was not in their power to avoid doing. Some of the most objectionable clauses have been left out in the Committee and on the report; but still there were many regulations remaining, under which, if enforced and attempted to be put in execution, the fair traders and manufacturers could not carry on their manufactures. There still remained objections to more than thirty clauses or parts of clauses in the original bill, and to some of the new clauses added to the amended bill.

But the principal objection, as it appeared to him after the best consideration which he was able to give to the evidence delivered at the bar, Sir Grey declared, was to the clause 2 in fol. 73, with respect to the table of allowances for increase in the manufacture of various specified articles, because, as it appears from Mr. Postlethwaite's evidence, the fair trader may, from the various and unascertainable differences in the texture and quality of the leaf tobacco in the same hoghead, of the places in which it had been kept, and the state of the atmosphere when it is in fermentation, have an increase of 50 per cent. exceeding the credit. Upon the whole, if the processes of the manufacture of tobacco and snuff were capable of being surveyed with any reasonable certainty, and if there were such rests and stages in those manufactures as could enable the officer to take stock by weight or by guage, or to form any certain rule or standard of the increase or decrease of the manufactures after the various and constantly varying processes, Sir Grey observed that he should vote for making the experiment. But, as it appeared to him that many of the remaining regulations might, if enforced and persevered in, inflict so much vexation and embarrassment on the fairest traders and manufacturers, and, by the uncertainty and latitude of the estimates and allowances, give so much advantage to the devices and contrivances of smugglers, so as to drive some considerable part of the manufactures of snuff out of the kingdom, and, in the result, diminish the present duty, which amounted to near 500,000*l.* per annum;

annum; and though it did not produce so much as it ought to do, it was a great a stake.

In conclusion, Sir Grey added, that he would, with the indulgence of the House, mention an anecdote, of which the respectable father of the right honourable Secretary had, as he was given to understand, informed some of his friends, that it was matter of consolation to Sir Robert Walpole, after the defeat of his proposition for carrying the excise to the duties on tobacco, that, upon the farther inquiries which he had made after that period, he did not believe the survey of excise could, in any considerable degree, have increased the duty on that article. And when the act of the 24th of George the Second passed for the more effectual securing the duties on tobacco, Mr. Pelham had it in contemplation to propose to Parliament to put that article under the survey of excise. And Sir Grey Cooper said, that he had been lately assured, by a great and respectable person, who was at that time in office, that, after many meetings with the principal traders and manufacturers of that time, and after many repeated consultations on the matter, it was given up, because Mr. Pelham and his friends were convinced, that from the peculiar nature of the manufacture of tobacco and snuff, the survey of excise could not be applied to them with advantage to the revenue.

The Marquis of *Graham* rose merely to move for leave to Marq. of withdraw the present motion, in order to bring up a clause *Graham*. calculated to alleviate the manufacturers, in respect to what they considered as an inconvenience in a part of their process of the snuff manufacture.

The House waited while the clause was engrossed; Mr. Rose then brought up the clause, and it was read a first and second time, and added to the bill by way of rider.

Sir *James Johnstone* approved of the measure in all but the Sir *James* depriving the manufacturers of the right of trial by jury, *Johnstone* which was every Englishman's birth-right. Sir James said, there remained above two millions of subjects of this kingdom, who had the enjoyment of no such benefit, and those were the people of Scotland. At present, every man had that benefit in England, excepting those who were manufacturers of exciseable articles.

The bill, with its amendments, passed.

Mr. *Beaufoy* moved the order of the day for the farther Mr. consideration of the report of the Committee on the Revolution *Beaufoy*. Commemoration bill. The same having been read accordingly, Mr. Beaufoy proceeded to move the several amendments, and when they came to that part of the bill, which provided that the Commemoration Anniversary should be kept on the 16th of every December, or the Sunday nearest

to it, Mr. Beaufoy said, he should move to change that amendment, and to restore that part of the bill, so that it should stand, as originally drawn, that a thanksgiving should be read. He explained the reason why he wished this alteration to be made, by stating, that if the bill stood as amended in the Committee, it would be an innovation on the discipline of the established church: when the bill was in discussion, several gentlemen had thought that no thanksgiving should be offered, but that the bill, as a short abstract, and brief chronicle of the greatest blessings which a nation ever received from the Almighty, should be read before the general thanksgiving. Whereas, the general thanksgiving was, in a great measure, inapplicable to the subject, and if every clergyman was left at liberty to substitute whatever suggested itself to his mind, it would innovate upon the discipline of the established church of England; he therefore proposed, that the bill should be restored to what it originally was, which would leave the thanksgiving prayer to be settled by the Bishops, and so let the whole rest upon the same authority that the other occasional prayers rested upon.

The amendments were agreed to, and the bill ordered to be read a third time upon the ensuing Monday.

The House adjourned.

Monday, 20th July.

Mr. Blackburne having presented a petition from the manufacturers of Lancashire, praying, that the Piece-goods bill might not pass into a law, read a letter from his constituents on the subject, and then argued in favour of their opinions.

As the reasoning of this gentleman was scarcely dissimilar from the arguments to which (that we may not trespass, at the close of an unavoidably long account of the debates of this session, too much upon the patience of our readers) we shall but briefly allude in the sequel, it cannot be either disrespectful or improper to pass it over.

Mr. Dempster brought up two petitions from Scotland in favour of the bill.

The three petitions were referred to a Committee of the whole House, and then the House immediately resolved itself into the said Committee.

Mr. Dundas. Mr. Dundas regarding the bill as a measure calculated to widen the sources of trade, and open new channels of commerce, contended, that the petition and the letter would each, if duly weighed, appear to contain arguments rather in favour of, than against, the bill. Mr. Dundas stated the object of the bill to be, to allow the manufacturers to sell their goods by auction, duty free, but to compel no man to sell his goods otherways than he thought proper; after expatiating

tiating upon its merit and utility, he concluded with declaring, that the bill could only be opposed by those who wished to establish a monopoly in favour of themselves.

Sir *Joseph Mawbey* conceived that the bill would injure the interest of the manufacturers of Lancashire, and that they were afraid of something behind, or they never would have opposed it. He was exceedingly averse to passing a bill of that magnitude, and a bill affecting the revenue in a thin House, with not more than forty Members present, at so late a period of the session. He therefore earnestly intreated that it should be waved till the next session, by which time all doubts might be removed and objections reconciled. He declared that he wished the manufacturers of Scotland exceedingly well, but he could not consent, out of compliance to them, to adopt a great and important measure, stated by the English manufacturers of this country to be prejudicial to their interests.

Mr. *H. Thornton* having remarked that it was by no means the manufacturers of Scotland alone who desired permission to sell their goods by auction, but many English manufacturers, added, that the bill was no new measure; that he had heard of it for many months; and that as to the late period of the session, the Committee had been put off for a week at the desire of the honourable Member for Lancashire, who had expressed a wish to hear from his constituents on the subject, before the blanks were filled up. The manufacturers of Scotland he stated to have been very great sufferers from the late failures. From want of information, as to the characters and credit of the London houses, they had imprudently sent their goods up to several, by whom they had been sold for ready money, to answer a present purpose, and they themselves had been obliged to come in as creditors under commissions of bankruptcy. This was actually swindling the manufacturers out of their property; and therefore, they wished to sell their goods by auction; but the auction tax of $2\frac{1}{2}$ per cent. which passed ten years ago, stood in their way. That bill had been brought in, not as a bill of regulation, but as a bill of revenue, though in the end it had operated as a bill of regulation. What he thought very strong in favour of the bill was, that it put the manufacturers just in the same state that they were in before the Auction-duty bill passed. The only ground on which the manufacturers of Lancashire appeared to rest their objection was, that fraudulent auctions might take place; but they would take place just as much now as when the bill should have passed; because, although the $2\frac{1}{2}$ per cent. duty operated as a prohibition upon the manufacturers selling their own goods by auction, it was no bar to the swindling sellers, since, as they

—but the *buff* colour will puzzle the future *Burnets*, *Oldmixons*, *Rapins*, *Smollets*, *Humes*, and *Walpoles* of this country: some of them may give it a ludicrous turn, and say, it was characteristic of the disposition of the wearers, and that they liked every thing best in *buff*: others may suppose that it bore some allusion to the events of the times, to none of which, in truth, can it be reconcileable. For my part, I should imagine the adoption of this colour must have arisen from *private* and *personal* motives altogether. I remember when a right honourable gentleman, (Mr. Fox) whom I do not now see in his place, first took his seat in this House, then under age, he seemed to possess all the levity, and some of the follies, of that giddy time of life.—He had red heels to his shoes, a white feather on his hat, and, being just arrived from *France*, his clothes were of the newest fashion. To him, I believe, we were indebted for the introduction of the *d'Artois* buckle—If he was not the leader, he was, certainly, one of the first in the fashion.—[Sir Joseph was told from the Chair that such observations had nothing to do with the subject before the House.] The right honourable gentleman soon found it was of more consequence to improve his understanding than to adorn his person, and quickly affected simplicity in dress:—from his frequently, if not generally, appearing in a *blue* coat and *buff* waistcoat, I presume it is, that his followers and friends have adopted that badge of distinction.—The *orange-coloured cape* has an immediate allusion to the revolution brought about by the Prince of ORANGE, in the last century: it also has an allusion to that recent revolution in modern politics, which has done His Majesty's councils in general, and the right honourable gentleman at the head of the Treasury in particular, so much honour; I mean the *revolution* which has recently united this country with *Holland*, and the Prince of *Orange*, in the strictest bands of friendship. For these reasons, I must own, if I were to wear any *livery*, it should be the *blue and orange*. But though I like the livery of one party, I must prefer the *column* at *Runnymede* to this bill—it will take in two objects, the signature of *Magna Charta* by King *John*, and the revolution by King *William*: it will also be a particular ornament to the country which has done me the honour to send me to this House as one of its representatives in three Parliaments; and, as I live within five miles of the spot, it will, probably be seen from my windows. I am just returned from the country, and inform the House, with equal surprise and regret, that no sort of preparation appears hitherto to have been made for its erection, although five hundred pounds has been voted for that purpose out of the *Whig Fund*, (a fund which, no doubt, makes

makes a considerable figure in the books of the governor and company of the Bank of *England*) and a Committee of Lords, and very respectable gentlemen, has been appointed to carry their resolution into execution.—*Runnymede* has a variety of owners, some of whom will certainly permit the erection of the column; but I cannot find that any enquiry has been made about a spot, or that a plan and estimate has been given in: if it was ever meant to stand any where but in a newspaper, it is time it was set about—whenever I see the column seriously begun, if assistance should be wanting to complete it, they certainly shall have my subscription.—My honourable friend, and a noble Lord [Earl Stanhope] in the other House of Parliament, who stood pledged to the public, have realised their professions in bringing in this bill;—neither of them stood in need of such a measure to demonstrate their attachment to the true principles of the Revolution; their parliamentary conduct, on all occasions, had shewn the sincerity of such attachment to them. I hough there certainly can be no harm in reading once a year, in every church and chapel, of all denominations, in the kingdom, the *Bill of Rights*, and other acts of Parliament, yet I object to it as a reflection on the wisdom and public spirit of our ancestors, who certainly thought they had done enough in enacting particular prayers to be said on the occasion yearly; and I dislike this bill the more, as it will impose a very heavy increase of duty on the poorer clergy, many of whom will have to read this bill three or four times a day for a very scanty allowance. If the bill should be read a third time, I will certainly propose an engrossed clause by way of rider, directing the church and chapel wardens, and deacons of every parish, chapel, and place, to pay to the officiating minister twenty shillings for the extra trouble this act will occasion.

I hope no one, from any thing I have said, will suppose me adverse to the Revolution: on the contrary, it has been always my boast, to have been bred up in strict Revolution principles—it has been my pride to have adhered to them always in private, and in public life, for thirty years together—They are principles of which I shall say, (if I may be permitted to use the language of a great character in the other House of Parliament, on a late memorable occasion,) *when I forget, and forego, them, may God forget me.*

Sir *Watkin Lewes* conceived that the subject was of too important a nature to deserve to be treated with levity. With regard to the pillar at *Runnymede*, it might ornament the county of Surrey, but it must necessarily be perishable in its nature, while, if the bill passed, it would erect a column in every parish church in the kingdom, which

Sir W.
Lewes.

might last till the end of time. It would live forever in the hearts of the British people, and prove a glorious monument to the virtuous efforts of our ancestors, which no length of years could obliterate or destroy. As to the Runnymede column, perhaps the reason why the honourable Baronet could not learn of any steps being taken towards its erection was, that the Whig Club subscription was not full; and possibly they waited for the contribution of the honourable Baronet.

The question being called, the House divided;

Ayes 12. Noes 13.

and it appearing that forty Members were not present, the House adjourned.

Tuesday, 21st July.

Mr. *Beaufoy* moved, "That the ingrossed Revolution-anniversary bill be now read a third time."

Sir Wm. Dolben. Sir *William Dolben* contended that, in his opinion, neither the People nor the Government needed any such bill to rouse them to a sense of the blessings they enjoyed in consequence of the Revolution; they were fully sensible of them, and without the aid of that bill, would, he doubted not, be always ready to maintain their liberties. There was already a commemoration of the Revolution (the 5th of November) and, should the present bill pass, that day of commemoration ought to be expunged.

Mr. Martin. Mr. *Martin* declared that he could not perceive, without equal concern and surprise, an opposition to a bill of so laudable a nature as the present, which was to keep alive sentiments of gratitude for so glorious an event as the Revolution.

Sir Joseph Mawbey. Sir *Joseph Mawbey* opposed the bill, and went over the old field of objection. He repeated that if the bill should be agreed to by the House, he would propose a clause by way of rider, for allowing twenty shillings each to the clergymen who should do the duty imposed upon them by the bill.

Mr. Courtenay. Mr. *Courtenay* supported the bill, as conceiving it fully calculated to operate as a stimulus to our neighbours in their struggle for liberty; it would shew them that, at the distance of a century from the æra of the Revolution, we preserved the same sentiments of civil and religious liberty as those which had actuated our ancestors to their glorious exertions.

Mr. Pye. Mr. *Pye* considered the bill as ridiculous, in forming two commemorations of one event.

The question was then put, on which the House divided,

Ayes, 23; Noes, 14. Majority 9 for the bill.

Sir Joseph Mawbey then moved his clause for allowing compensation to the clergymen for reading the act.

This passed in the negative.

Upon the question put, "that this bill do pass," it went in the affirmative without a division.

Mr. Beaufoy was ordered to carry the bill to the Lords for their concurrence.

The House adjourned.

Wednesday, 22d July.

The order of the day for the third reading of the East-India Company loan bill having, upon motion, been read,

Mr. Dundas desired, before the bill be read a third time, to explain a matter which had been misconceived, and which he was by no means willing to let remain, as stated in a paper of the preceding Thursday. In the account of his speech on the report of the Committee (to whom the East-India Company's petition had been referred) being brought up, he was mentioned to have declared, "that he trusted, from what he had said, either then or on Monday, that no man would imagine that he designed to have it understood that there was any probability of the Company's charter not being renewed," and this statement was followed with a variety of observations made by him. The fact was, that he neither meant to say, nor had said, one word about the renewal of the Company's charter, but had been talking of their trade as a Company continuing, and to that alone and the possible future arrangement as to the territorial revenues had all his observations been applicable. The question of renewal of the Company's charter he had left untouched as a matter open to future discussion, and he desired not to be understood as having pledged himself, or pledged Government, either that the charter of the Company would or that it would not be renewed.

Mr.
Dundas.

The bill was then read a third time and passed.

Mr. Sheridan remarked, that there had been an irregularity in the voting of the Army Extraordinaries for the present year, and a balance of more than 390,000*l.* left in the hands of the Paymaster General, which had since been voted by a separate vote from those of the Army Extraordinaries.

Mr.
Sheridan.

Mr. Secretary Grenville answered, that no money whatever had been left in the hands of the Paymaster General; and that the sum so stated in the vote, was a balance under that head standing in the name of the Paymaster General, in the Bank of England.

Mr.
Grenville.

Mr. Windham observed that, although the subject of affording a temporary relief of wheat flour, solicited on the part of France, had been referred to a Committee who had

Mr.
Wind-
ham.

decided against it, he could not avoid intreating the permission of the House to renew the consideration of it, in consequence of having received several letters from particular friends in France, which stated facts, the same, he supposed, as were stated in other letters written from thence, all of which proved that the distress was very great, and that there had been riots on account of the scarcity of bread at Rouen and elsewhere; he wished, therefore, as the subject, from its nature, varied from time to time, to know, whether, though it had been before deemed inconvenient to comply with the requisition from France, the same inconvenience still remained, and it was inconvenient to grant it now. He was anxious to have this taken into consideration, because, possibly, by the time which had elapsed, the distress in France might have augmented, and our prospects of plenty might have improved, and we might be able to spare the quantity of flour asked. He knew not how to ascertain whether this was possible, otherwise than by enquiring into the present situation of France, and the prospect of our own situation in respect to grain, as likely to be affected by the harvest. When the subject had been formerly there discussed, he had declared that he wished Administration had taken the matter upon themselves, and not said a word about it till the business was either done, or so far determined on, that no bad consequence could result from its being discussed in that House. At that time, some gentlemen on the other side had expressed a doubt of the sincerity of his professions; why they should have done so, he was at a loss to imagine, because he was by no means so hostile to the other side of the House as to desire to injure them through the medium of their merits. The reason why he wanted Administration to have taken the matter on themselves was, he wished the relief solicited to have been granted, and he really thought they could have done it better than a Committee. A Committee could only enquire, but Administration could do more; it could ascertain, arrange, and settle what was fit to be done. There were, Mr. Windham said, three courses which might have been taken in the present business; the Minister might have declared, in the first instance, that he would have no concern in it; or he might have taken it upon Administration, and have enquired, arranged, and settled what might have been done before it was brought to that House: or he might have thrown the decision out of his hands, and have admitted that a Committee might enquire. This last, in his opinion, was the least adviseable on account of the delay, which might be longer than the pressure of the case would bear, and of other injurious consequences resulting whilst the subject was under the investigation

gation of the Committee. Mr. Windham expatiated on the smallness of the quantity of flour asked for, and observed that he thought that a slight inconvenience, if we were to impart relief to the neighbouring country, was not the only consideration on the present occasion. There might be something in the grace of giving. It might shew their kindness, their goodness, and the sincerity of their friendly professions towards France, which, for a variety of reasons, at this particular crisis, were highly deserving of attention. He had already heard that their refusal had given great disgust, and therefore he heartily wished, if it were possible, that the relief might be given, to say nothing of the liberality by which an action of this nature would be conspicuously marked.

Mr. Secretary *Grenville* remarked, that he could with Mr. truth assure the honourable gentleman who spoke last, that *Grenville*. he most sincerely gave him credit for the purity of his motives; he by no means suspected the honourable gentleman of being actuated on that or any other occasion, by the worthless idea of desiring His Majesty's Ministers to take any measure upon themselves, merely that he might afterwards bring it forward as a ground of complaint against them. Therefore, in considering the subject, he thought nothing remained but to place the question on its true grounds. With regard to His Majesty's Ministers having offered it to the consideration of that House rather than taken it upon themselves, the servants of the Crown could not have been justified in laying before the King any measures respecting it, while Parliament was sitting, without first coming to that House and stating the grounds of the case to them. That course had been pursued, after an enquiry made by His Majesty's servants, and a Committee of the House, after due investigation, and a comparison of the state of corn in both countries, had reported to the House, that the relief solicited could not be granted without serious inconvenience to the country. It would have given His Majesty's servants a peculiar degree of satisfaction if it had been in their power to afford the relief solicited, but they found they could not. They were nevertheless desirous that the subject should be submitted to a Committee of that House; that Committee had made their report, and the ground on which they rested their opinion that the relief could not be granted, was the state of the stock of corn in hand, the prospect of the harvest and the price of the article in this country and in France. Mr. *Grenville* now contended, that no farther enquiry could be made, as it would be only holding out a delusive hope, which would prove exceedingly wrong in a case of that nature. With regard to the

the appearance of the refusal, it must be the general wish that the relief should, if possible, have been granted, but a House of Commons sitting there must look to the security of their own country as its primary object, and as to meddling any farther with the subject he greatly feared that the farther they pursued the investigation the more they would find the reasons of the Report of their Committee confirmed and strengthened, in consequence of the damage done to the standing corn, and the delay of the harvest occasioned by the late continual wet weather.

Mr. Gascoyne. Mr. *Gascoyne* said, that as he sat on the former Committee he should conceive that he acted wrong if he did not rise and assure the honourable gentleman that those arguments which had induced the Committee to act as they did were rather strengthened than lessened since. It would not, Mr. *Gascoyne* added, be regular for him to go into a discussion of the Report, and the opinions it contained; but if the honourable gentleman knew as much as he did, and as he would tell him out of the House, he would, he was persuaded, admit that the opinions of the Committee were considerably strengthened.

Sir Watkin Lewes. Sir *Watkin Lewes* declared that he felt the utmost concern when he perceived that the requisition of relief in regard to flour, which had been made from France, could not be granted without serious inconvenience; and the more so as he had every reason to believe that the objections to complying with the requisition were too solid and forcible to be subdued. He mentioned, that on account of the high price of corn, the Court of Aldermen of the City of London had, the preceding day, been obliged to raise the price of the wheaten loaf a full assize, a circumstance which the Court never consented to but with the utmost reluctance, and in no case, where there was any possibility of avoiding it without being guilty of the greatest injustice to the bakers. He understood that much corn had been exported clandestinely, which was one cause of the dearness of that article.

Mr. Dempster. Mr. *Dempster* observed that he should imagine that so small a quantity as 20,000 sacks could not be an object to us; and he should feel great pleasure to find that it was possible to spare them for the relief of even a rival state in the hour of its calamity. He spoke of a defect in the evidence adduced before the Committee with regard to the distresses of the French; and said the amount of the evidence had been what the Committee rested their judgement upon when they made the declaration that the relief could not be granted without very serious inconvenience. As the right honourable gentleman, therefore, had obtained information that the distresses of the neighbouring country were much greater than they had before appeared to be, he should hope that the relief might

might be granted. It would be an act of generosity which might put us to inconvenience; but if it did not it would be no act of generosity.

Sir *James Johnstone* urged the necessity of attending first of all to the distresses of our own people. Great tumults had arisen in Paris from the scarcity of bread, and tumults might arise on the same account in the City of London, if any flour at such a critical time was allowed to be exported, and so that House might draw down on itself considerable obloquy. It would be unjust to add unnecessarily to the distress of our own people, and an act of injustice which that House dared not commit.

Mr. *Courtenay* asked what would the opinion of the French be of our good will towards them, or the sincerity of our professions of friendship, when they should hear, that when they asked so small a relief as twenty thousand sacks of flour, it was moved by the right honourable Chancellor of the Exchequer, that a Committee should be appointed to enquire into the high price of flour; and, after that Committee had reported that the relief could not be spared, the price of wheat should fall so low that it might be exported legally, and yet upon an attempt having been made to do what the law allowed, the exportation was stopped by the Custom-house officers, who took upon themselves to suspend an act of Parliament, and the Chancellor of the Exchequer not only encouraged them in so doing but brought in a bill to indemnify the Custom-house officers for having acted against an existing law?

Mr. *Courtenay* reprehended this practice of suspending acts of Parliament at the will of the first Lord of the Treasury, but said that he did not mean to assert that the lowering of the price in order to export it, might not be a trick of the corn factors. The French, however, might not understand it to be a fraudulent attempt, and might think that (as the honourable gentleman had just observed) the quantity asked was so small that it was something more than a fear of inconvenience which induced us to refuse the relief. Twenty thousand sacks, Mr. *Courtenay* stated to be the consumption of one day only in this country, and the consumption of one day (he said) could surely be spared in an act of humanity. The honourable Baronet had just observed that the House would not dare to grant the relief for fear of popular clamour and tumult from the people here at home. That House (he hoped) would ever have the spirit to defy popular clamour, and would never consider it as a ground of their conduct, but would do what they thought right without dread of any complaint about it without doors. When the distress of the French was considered, and the riots for want of bread which

had

had happened at Rouen and at many other places, and when it was considered what a spirit of liberty had been lately manifested in France (a spirit in which every Englishman must feel the highest satisfaction) he was sure that the lower order of the people here, who were actuated by the same spirit, and who had distinguished themselves on many occasions by nobly manifesting it, would willingly suffer a small temporary inconvenience rather than not afford the relief of which their neighbours on the Continent stood in such extreme need.

Mr. Rose. Mr. *Rose* confessed that he felt it impossible to listen to some of the allusions of the honourable gentleman without astonishment. He had talked of suspending acts of Parliament at the will of the Treasury, and then applying for Bills of Indemnity; he wondered where the honourable gentleman got those expressions. Certain he was that there were no facts to ground them upon. No person whom he knew of had suspended an existing law, nor had any Bill of Indemnity been applied for. The endeavour to export wheat flour had been an atrocious fraud, confined to the port of New Shoreham only; and the wheat attempted to be exported had not been the wheat of that market (the fair marketable grain of the county) but wheat flour sent down from London. The whole had been a fraud so rank and obvious, that it had very properly been prevented; but no person thought of asking for a Bill of Indemnity for what had been done. With regard to the relief asked for from France, he was one of those who when it was first heard of was extremely desirous that it should be instantly granted, and so (he trusted) would every man in the country be, whether in or out of that House, if it could have been done without very serious inconvenience; but upon enquiry it had been found that such was the state of the stock, and such the prospect, that it would prove in the highest degree improper and imprudent to venture upon so hazardous a measure as suffering the exportation of 20,000 sacks of flour, which was a week's consumption. The prospect of the harvest was now rather less promising, and if the wet weather continued it would occasion a delay of two or three weeks.

Mr. Courtenay. Mr. *Courtenay* justified what he had said, by observing that he had mentioned, that the attempt at exporting the corn might be a fraud of the corn factors, and declaring that he had stated the other facts on the authority of the Chancellor of the Exchequer, who had so mentioned the matter to the House.

The order of the day being read for the House to go into a Committee on the Corn Bill,

Mr.

Mr. Secretary Grenville brought up a new clause explanatory of a part of the bill, which, as it stood originally in the former bill, had not been thought sufficiently explicit.

The clause was agreed to, and the bill with the amendments was ordered to be reported.

The House adjourned.

Friday, 24th July.

Sir *John Riggs Miller*, desiring that he might be indulged for a few moments with the attention of the House, said, that towards the close of the last session of Parliament, he had given notice that in the course of the present session he should move for a Committee "to consider and report the expediency of establishing one general standard of weights and measures, to be observed through the kingdom," but, for the present, he would merely trouble the House to assure them, that he had neither been wanting in diligence or assiduity, nor been sparing in expence to obtain every possible information upon this most important subject; a subject which, whatever feasible appearance it might present upon a cursory view of it, he had found, upon a closer examination, to be extensive, complex, and embarrassed, in an extraordinary and most unexpected degree. Sir John said, that he, however, had not shrunk from these difficulties, but had opposed to them every possible exertion of which he was capable. He had addressed a general circular letter to the chief magistrates of all the cities, corporations, and borough towns of Great Britain, soliciting their communications and assistance upon the subject of his enquiry, which had, by most of them, been complied with, with much liberality and instruction. He had endeavoured to obtain every publication which had appeared for a century past, as well as every law and regulation which had taken place within that period, not only in Great Britain, but through Europe, generally for the correction of abuses in weights and measures. That most industrious, able, and voluminous Report of a Committee of the House of Commons, appointed in 1758, "To enquire into the original standards of weights and measures, and to consider the laws relating thereto," had furnished him with an infinite variety of most interesting matter. To the liberality of individuals he was also indebted for more than a thousand letters, many of them of great extent, and entering into minute details of the mischief under consideration, stating particular local abuses (besides those more generally complained of) from the use of uncertain weights and measures, and accompanied also by the suggestion of regulation, and remedy for their mitigation or cure; and let me add, (said he) which I cannot do unattended by my sincerest acknowledgements

Sir J. R.
Miller.

ments, that fifty-seven communities, each of whom send two representatives to this House, have already instructed, or have declared their intention to instruct, their Members to attend upon and assist, with their best endeavours, the attempt for an equalization of weights and measures.

When (continued Sir John) we recollect that in no age or nation, of which any record exists, whatever may have been the state of its police, or the form of its government (from the most perfect republic to the most absolute monarchy) have any laws or regulations which have been applied to this object, proved adequate to the extinction of the abuses which have prevailed in the discordance of weights and measures; it must be obvious to every one how much time, and how much industry must be indispensably employed by that individual to obtain every light within his power, upon a subject which he stands pledged to this House, and to the public to bring forward in that shape which shall best promise efficacy and success.

To methodize and to digest, in the best manner I am able, such a mass and variety of materials, in order to bring the subject before a Committee in some form and shape, has fully occupied, and continues to give employment, to every diligence I can lay claim to. And if I am alive, and in this House, it is my decided intention to bring this matter before a Committee early in the next session of Parliament, when I trust my present endeavours will prove to that Committee a saving both of time and of labour.

Investigation and enquiry, even in the midst of perplexing difficulties, have rarely proved totally without profit: on the contrary, they have frequently been found useful and efficient beyond the hope or expectation of those who have had recourse to them. And hence the comparison may not always turn out a perfectly just one between the significance of the agent and the magnitude of the undertaking. Every individual may, with honest intentions, contribute something to the mass of general benefit. I have acted independently in Parliament. It has been my endeavour to be just as well as useful to individuals and to the public; my political opinions stand registered upon questions of great moment; and I contemplate them with unabated satisfaction. Should it be now my good hap to prove instrumental in mitigating or correcting those abuses which have so long, and so virulently, prevailed throughout this country in the object with which I am at present engaged — abuses fertile in confusion to commerce, in injustice to the community, in distress and difficulty to the poor, I shall deem my political existence, whether it may be of long or short duration, not to have been afforded me in vain.

Sir *James Johnstone* having promised that he observed, in Sir James a bill of regulation and reform of abuses, that the name of Johnstone that part of the kingdom which he had the honour to represent, was generally omitted, added, that in Scotland they certainly had not the benefit of trial by jury, but they nevertheless had jails, and he saw no reason why those jails should not be as well regulated as the jails of this country. As riches flowed into Scotland, crimes proportionably increased, and consequently the number of felons was much greater than formerly. All the benefits which were provided for felons in English prisons, should, in his opinion, be enjoyed by felons confined in the prisons of Scotland, and he was sorry that such an act of humanity had not been thought of. Sir James concluded with giving notice, that he would, early in the next session, move to institute an inquiry into the state and condition of the jails in Scotland, and the conduct of the jailors.

The House adjourned.

Monday, 10th August.

A petition of the several persons whose names are thereunto subscribed, electors of Members to serve in Parliament for the city and liberty of Westminster, was delivered in at the table, and read; setting forth, that the petitioners observe, by the votes of the House, that the Select Committee, lately appointed to try and determine the merits of a petition of Sir Samuel Hood, Baronet, Lord Hood in the kingdom of Ireland, and also a petition of several inhabitants, householders of the city and liberty of Westminster, paying scot and lot, severally complaining of an undue election for the said city and liberty, did, on the 6th day of July last, report to this House, “ That it appeared to the said Select
 “ Committee, that the merits of the petitions did in part
 “ depend upon the right of election; the parties were there-
 “ fore required to deliver in statements, in writing, of the
 “ right of election for which they respectively contended :
 “ that, in consequence thereof, the petitioner, Lord Hood,
 “ delivered in a statement as follows : “ The petitioner,
 “ Lord Hood, states, the right of election for the city and
 “ liberty of Westminster is in the inhabitants, householders
 “ paying scot and lot, within the united parishes of Saint
 “ Margaret and Saint John, and the several parishes of Saint
 “ Paul, Covent Garden, Saint Ann, Saint James, Saint
 “ George, Hanover Square, in the liberty of Saint Martin
 “ le Grand, in the county of Middlesex, and in so much of
 “ the parishes of Saint Martin in the Fields, Saint Clement
 “ Danes, and Saint Mary le Strand, as are not within any
 “ of the four wards of the liberty of the Duchy of Lan-
 “ caster

“ caster, called the Temple Bar Ward, the Royal Ward,
 “ the Middle Ward, and Precinct of the Savoy :” That
 “ the electors petitioners delivered in a statement as follows :
 “ The electors petitioners state, that the right of election
 “ for the city and liberty of Westminster is in the inhabi-
 “ tants, householders paying scot and lot, within the united
 “ parishes of Saint Margaret and St. John, in the several pa-
 “ rishes of St. Paul, Covent Garden, St. Ann, St. James, St.
 “ George, Hanover Square, in the liberty of Saint Martin
 “ le Grand, in the county of Middlesex, and in so much of
 “ the parishes of Saint Martin in the Fields, Saint Clement
 “ Danes, and Saint Mary le Strand, as are not within any
 “ of the four wards of the liberty of the Dutchy of Lan-
 “ caster, called the Temple Bar Ward, the Royal Ward,
 “ the Middle Ward, and Precinct of the Savoy ;” that the
 “ sitting Member. Lord John Townshend, delivered in a
 “ statement as follows : “ The right of election is in the in-
 “ habitants, householders of the parishes of Saint Margaret
 “ and Saint John, Saint George, Hanover Square, Saint
 “ James, Westminster, Saint Martin in the Fields, Saint
 “ Clement Danes, Saint Mary le Strand, Saint Mary le Sa-
 “ voy, Saint Paul, Covent Garden, Saint Ann, Soho, and
 “ the district of Saint Martin le Grand.” That, upon the
 “ statements delivered in by the petitioners, the said Select
 “ Committee have determined, That the right of election
 “ for the city and liberty of Westminster is in the inhabi-
 “ tants, householders paying scot and lot, within the united
 “ parishes of Saint Margaret and Saint John, and the sever-
 “ al parishes of Saint Paul, Covent Garden, Saint Ann,
 “ Saint James, Saint George, Hanover Square, in the liberty
 “ of Saint Martin le Grand, in the county of Middlesex,
 “ and in so much of the parishes of Saint Martin in the
 “ Fields, Saint Clement Danes, and Saint Mary le Strand,
 “ as are not within any of the four wards of the liberty of
 “ the Dutchy of Lancaster. That, upon the statement de-
 “ livered in by the sitting Member, the Committee have
 “ determined, That the right of election, as set forth in the
 “ said statement, is not the right of election for the said
 “ city and liberty of Westminster ;” and that the petitioners
 are advised, and humbly insist, that the right of election
 which hath been deemed valid in the judgement of the said
 Select Committee, is not the ancient and true right of election
 for the said city and liberty ; and therefore praying, that
 they may be admitted as parties to oppose the right of elec-
 tion which has been deemed valid in the judgement of the
 said Select Committee, and that the petitioners may have
 such further and other relief in the premises as to the House
 shall seem meet, and the nature of the case may require.

The

The House was moved, “ That so much of an act, made in the last session of Parliament, entitled, ‘ An act for the further regulation of the trials of controverted elections or returns of Members to serve in Parliament,’ as relates to appointing the time for taking into consideration petitions from persons desiring to be admitted as parties to oppose the right of election for any county, city, borough, town, or place, which shall have been determined upon by a Select Committee, appointed by this House to try and determine the merits of the return or election for such place, might be read.”

And the same being read accordingly,

Ordered, That the said petition be taken into consideration upon Thursday the 1st day of October next, at three o'clock in the afternoon.

Ordered, That Mr. Speaker do issue his warrant or warrants for such persons, papers, and records, as shall be thought necessary by the parties on the hearing of the matter of the said petition.

The House adjourned.

Tuesday, 11th August.

A message by Sir Francis Molyneux, Gentleman Usher of the Black Rod :

“ Mr. Speaker,

“ The Lords, authorized by virtue of His Majesty's commissions, for declaring his Royal assent to several acts agreed upon by both Houses, and for proroguing this present Parliament, do desire the immediate attendance of this honourable House in the House of Peers, to hear the commissions read.”

Accordingly, Mr. Speaker, with the House, went up to the House of Peers : where the commission was read, giving, declaring, and notifying, the Royal assent to several public and private bills therein mentioned; and also empowering his Royal Highness the Prince of Wales, His Royal Highness the Duke of York, His Royal Highness the Duke of Clarence, His Royal Highness the Duke of Gloucester, His Royal Highness the Duke of Cumberland, the Lord Archbishop of Canterbury, the Lord High Chancellor of Great Britain, and several other Lords, to declare and notify the Royal assent to the said bills : and the Lord High Chancellor of Great Britain, the Duke of Leeds, and the Lord Viscount Sydney, named also in the said commission, did accordingly declare and notify the Royal assent to the said bills.

And afterwards, a speech of the Lords Commissioners was delivered to both Houses, by the Lord High Chancellor of Great Britain; which is as follows, viz.

“ My Lords and Gentlemen,

“ WE have it in command from His Majesty to express
“ to you the satisfaction with which His Majesty has ob-
“ served the continued proofs which you have given, during
“ the present session, of your uniform attention to the pub-
“ lic business, and of your zealous concern for the honour
“ and interests of his Crown, and the welfare and prosperity
“ of his People.

“ Gentlemen of the House of Commons,

“ His Majesty has particularly directed us to return you
“ his thanks for the readiness with which you have granted
“ the necessary supplies for the several branches of the public
“ service.

“ My Lords and Gentlemen,

“ Although the good offices of His Majesty and his allies
“ have not hitherto been effectual for restoring the general
“ tranquillity of Europe; he has the satisfaction of seeing
“ that the further extension of hostilities has been prevented,
“ and that the situation of affairs continues to promise to this
“ country the uninterrupted enjoyment of the blessings of
“ peace.”

After which the commission was read for proroguing the Parliament.

And afterwards the Lord Chancellor said,

“ My Lords and Gentlemen,

“ By virtue of His Majesty’s commission, under the great
“ seal, to us and other Lords directed and now read, we do,
“ in His Majesty’s name, and in obedience to his commands,
“ proque this Parliament to Thursday the 29th day of Oc-
“ tober next, to be then here holden; and this Parliament
“ is accordingly prorogued to Thursday, the 29th day of
“ October next.”

The following Papers were laid on the table of the House of Commons, for the perusal of the Members:

An Estimate of the Charge of what may be necessary for the Buildings, Re-buildings, and Repairs of Ships of War, in His Majesty's and the Merchants' Yards, and other extra Works, over and above what are proposed to be done upon the Heads of Wear and Tear, and Ordinary, for the Year 1789.

Place where.		Guns.	Ships Names.		Building, or Nature of their Repair.		Time when may be		Charge of their		Total.
							Taken in Hand.	Completed.	Hulls, Masts, and Yards.	Rigging and Stores.	
Deptford.	98	Windfor Castle	Building		In hand		Uncertain		£. 80. 0	£. —	£. 8000
	74	Brunswick	Building		In hand		March 1790		11000	1270	12270
		Mars	Order'd to be built		—		Uncertain		5100	—	5100
	Sloop	Hound	Building		In hand.		Uncertain		1120	2080	3200
	32	Thames	Large repair		In hand		September 1789		4410	—	4410
	28	Nemesis	Large repair		In hand		September 1789		2280	650	3530
	Storeship	Dromedary	Large repair		In hand		June 1789		4830	—	4830
	38	Thetis	Middling repair		October 1789		Uncertain		1600	2880	4480
	28	Brilliant	Small repair		September 1789		July 1790		1750	3000	4700
		Alligator	For completing her rigging and stores						—	650	650
Woolwich.	98	Boyne	Building		In hand		Uncertain		14190	8260	22450
	74	Monarque	Building		In hand		Uncertain		3630	—	3630

	A.	D	E	B	A	T	F	S.	
	1789.								465
Sheernefs.	32	Cleopatra	Between middling and great repair	July 1789	Uncertain	£. 1560	£. 40	£. 1600	
	Sloop	Shark	Between small & middling repair	March 1789	June 1789	2360	2000	4360	
	98	Childers	Middling repair	In hand	April 1789	1130	—	1130	
Portsmouth.		Prince of Wales	Building	In hand	Uncertain	6000	—	6000	
		Dreadnought	Building	In hand	Uncertain	5000	—	5000	
	Sloop	Fury	Building	In hand	Uncertain	2030	1800	3830	
	100	Britannia	Between middling and great repair	In hand	July 1789	25480	—	25480	
	98	Victory	Great repair	In hand	April 1789	13340	—	13340	
	74	Queen	Great repair	July 1789	Uncertain	11600	2570	14170	
		Courageux	Between middling and great repair	In hand	May 1789	8610	—	8610	
	64	Triumph	Middling repair	May 1789	January 1790	17500	2090	19590	
		Ardent	Middling repair	In hand	May 1789	6920	—	6920	
		St. Alban's	Between small & middling repair	May 1789	September 1789	16260	2020	18280	
		Repulse	Small repair	July 1789	October 1789	7530	—	7530	
	Cutter	Liberty	Middling repair	March 1789	April 1789	1030	490	1520	
		Advice	Between small & middling repair	March 1789	April 1789	690	560	1250	
	80	Cæsar	Building	In hand	Uncertain	7000	—	7000	
Plymouth.		Foudroyant	Order'd to be built	March 1789	Uncertain	1000	—	1000	
	Sloop	Serpent	Building	In hand	Uncertain	1620	—	1620	
	80	Gibraltar	Between middling and great repair	In hand	December 1789	17270	—	17270	

74	Egmont
64	Powerful
32	Diadem
Cutter	Siren
	Resolution
	Alatine
90	Ocean
74	Valiant
64	Swiftsure
	Argonaut
	Belliqueux
	Magnahime
44	Severn

Great repair	In hand	December 1789
Small repair	In hand	March 1789
Small repair	June 1789	September 1789
Very small repair	March 1789	May 1789
Small repair	May 1789	July 1789
Middling repair	March 1789	May 1789
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-
For completing her masts and yards		-

18790	—	18790
4520	1290	5810
6750	—	6750
3140	—	3140
890	900	1790
1140	900	2040
390	—	390
260	—	260
48	—	480
560	—	560
240	—	240
200	—	200
100	—	100
385340	54620	439960

Total for the Ships in the King's Yards —

M E R C H A N T ' S Y A R D .

Buckler's Yard | 74 | Illustrious

| Building | In hand | July 1789

9580	—	9580
394920	54620	449540

Grand Total for the Ships —

On WORKS of the YARDS.

£.

Woolwich.	Towards carrying on about 50 feet on the west, and 50 feet on the north side of the inner mast pond, the wing wharfs, drains, apron, and gates between the mast ponds, and as much of the south side of the outer mast pond as circumstances will admit, and about 100 feet of the wharf next the river	- - -	12,000
Chatham.	To building a new top-house with a slip	- - -	2,150
	To building a new tree-nail house	- - -	2,380
	To laying the floor of the new laying-house	- - -	1,400
	Towards building the new rope-house	- - -	15,000
Portsmouth	To 100 feet running of stone wharf at the north side of the mast pond	- - -	5,400
	To 100 feet running of stone wharf to the pier of the new dock proposed	- - -	3,000
	To making a dam to extend from the wharf between the Landing Hulk to the north side of the south dock	- - -	3,900
	Towards taking down and rebuilding the north side of the reservoir	- - -	10,000
	To building two storehouses (to form the Square) at the south end of the officers' lodgings	- - -	9,700
	To building the boat houses	- - -	600
	To building the iron storehouses	- - -	600
	To building and fitting a storehouse at the east end of the officer's offices	- - -	4,510
Plymouth.	To blowing and levelling the rock of White-House Hill, and mast pond	- - -	820
	To completing the new dock	- - -	4,300
	To completing the dam and gates of the new dock	- - -	1,360
	To joining and carrying on the wharfs on each side of the new dock that front the harbour	- - -	10,500
	To digging the rock and rubble round the head of the new dock and north part of the yard	- - -	1,000
	To building working sheds each side of the new dock	- - -	550
	To making good the timber work of the present north-jetty head	- - -	1,210
	To repairing the timber work, and carrying on the wharf wall of the south-middle jetty head	- - -	3,030
	Carried forward	- - -	88,610

Brought

	Brought forward	- - - - -	£. 88,610
Plymouth.	Towards building the north-east new rigging-house and fixing bollards and strapping stocks for blocks therein	- - - - -	5,360
	To digging away the rock behind the new rigging house	- - - - -	1,230
	Towards laying the 'slip at the east end of the mast-houses with purbeck pilchers	- -	2,200
	Towards building a wall, digging and blowing away the rock at the east end of the plank-houses that stand over the mast locks, to form the roads in front of the said houses	-	950
	Towards building new team stables	- -	2,090
	Towards carrying on the new joiners' and house-carpenters' shops	- - - - -	1,000
	To stuccoing part of the fronts of the marine barracks at Stonehouse with composition mortar	- - - - -	220
	To completing the reservoirs at the marine barracks	- - - - -	630
Lambeth.	To complete the barge-house for the barges belonging to the Admiralty and Navy Offices, with apartments over part of them for the bargemasters, and a slip to extend down to low water mark	- - - - -	700

On IMPROVEMENTS in the VICTUALLING PREMISES.

Red House.	To building a fence wall, and making 7000 yards of ground to fill up the old mill stream	- - - - -	1,800
	To building a house for the clerk of the brew-house	- - - - -	700
	To building a house for the porter, including a lodge and store	- - - - -	650
	Towards building a new brewhouse, and making a fire-engine and liquor-back, which are appendages to it	- - - - -	5,000
Portsmouth	To repairing, enlarging, and better securing the old store-house facing the harbour, adjoining the new store-house near the quay gate	-	3,200
Weevill.	To erecting a rolling stage	- - - - -	2,500
	To building an office for the Clerk of the Cheque's Clerk, a porter's lodge, and tap-house	- - - - -	240
	Carried forward	- - - - -	117,080
			<hr/> Brought

							£.
Brought over	-	-	-	-	-	-	117,080
To making a new well	-	-	-	-	-	-	1,550
Plymouth. To building a new bake-house	-	-	-	-	-	-	2,150
South Down To taking down the old seasoning-house and building another on a larger scale	-	-	-	-	-	-	250
							<hr/>
Total	-	-	-	-	-	-	126,030
Grand total for the ships brought forward	-	-	-	-	-	-	449,540
							<hr/>
Grand total	-	-	-	-	-	-	575,570
							<hr/>

A B S T R A C T.

For the ships in His Majesty's yards	Hulls	-	385,340	
	Rigging and stores		54,620	
			<hr/>	439,960
For a ship in Merchant's yard	Hull	-	9,580	
	Rigging and stores			
			<hr/>	9,580
Towards the improvements in the yards, victualling premises, &c.	-	-	-	126,030
				<hr/>
Grand total	-	-	-	575,570
				<hr/>

Viz. The sum of five hundred and seventy-five thousand five hundred and seventy pounds.

Cha. Middleton, J. Henflow, Geo. Marsh, Geo. Rogers, W. Palmer,
Wm. Campbell, E. Le Cras.

Navy Office, 7th April, 1789.

n Estimate of the Debt of His Majesty's Navy, on the Heads hereafter mentioned, as it stood on the 31st December, 1788, prepared pursuant to a Precept of the Hon. House of Commons, dated 2d April, 1789.

HEADS of the NAVAL ESTIMATES.

Particulars. Total.

Wear and Tear, Ordinary, extra Repairs, and Transports.

ue to pay off and discharge all the bills registered on the course of the Navy for stores, freight of transports, &c. supplied for the service thereof — 1077940 5 0
or freight of transports and tenders, and for stores delivered into His Majesty's several yards, &c. for which no bills were made out on the aforesaid 31st December, 1788, as also to several bills of exchange — 106826 8 11
o His Majesty's several yards and rope-yards for the ordinary and extraordinary — 220749 0 0
or half pay to sea officers, according to an establishment made by his late Majesty in Council on that behalf — 111774 17 2

1517290 11 2

SEAMEN'S WAGES.

re to pay the men unpaid on books of ships paid off — 540336 6 3
To ships in sea pay on the aforesaid 31st December, 1788 — 343505 16 5
To discharge and pay off all bills entered in course for slop cloaths, bedding for seamen, Surgeons' necessities, &c. — 40030 11 7

923372 14 3

VICTUALLING DEBT, as per Estimate received from those Commissioners, viz.

re for short allowance to the companies of His Majesty's ships in pay, and which have been paid off — 31278 4 2
For provisions delivered, and services performed, for which no bills were made out on the 31st December, 1788 — 19191 18 2
For paying off all bills entered on their course — 415136 18 5
For necessary and extra necessary money bills of exchange, and contingencies — 5280 9 8
For the officers, workmen, and labourers, employed at the several ports — 8046 0 0

478928 10 5

S J C K and H U R T, the D E B T of that O F F I C E,

As per Estimate received from those Commissioners, viz.

ue for quarters and cure of sick and hurt seamen, set on shore from His Majesty's ships at the several ports, and for contingencies relating to that office	—	—	—
he total amounts to two millions nine hundred and fifty-nine thousand seven hundred and fifty-seven pounds ten shillings and four pence	—	—	—

he total amounts to two millions nine hundred and fifty-nine thousand seven hundred and fifty-seven pounds ten shillings and four pence — — — — —

From thence deducting the money in Treasurers' hands	-	
And also the money that remained to come in of the supplies	-	
		as on the other side

from thence deducting the money in Treasurers' hands	-	
and also the money that remained to come in of the supplies	-	
		as on the other side

from thence deducting the money in Treasurers' hands	-	
and also the money that remained to come in of the supplies	-	
		as on the other side

he debt will then be two millions two hundred and sixteen thousand six hundred and fifty-one pounds fourteen shillings and five pence farthing — — — — —

. B. In this debt is included, for charge of transports and army victuallers, between the 1st January and 31st December, 1788

and it appears by an account received from the Commissioners of the Viſtualling, (which is alſo included in this debt) that the expence of viſtuals ſupplied the ſoldiers, between the 1^{ſt} January and 31^{ſt} December, 1786, is — — — — —

CHARLES MIDDLETON.
GEORGE MARSH.
GEORGE ROGERS.

W. PALMER.
WM. CAMPBELL.

39665 14 7

2959757 i0 4

267264 9 67

481841 6 43

743105 15 10 $\frac{3}{4}$

2216651 14 54

44938 16 5

3417 15 6 1/2

48376 II I I I

memorandum.—There was remaining in the Hands of the late and present Treasurers of the Navy, on the 31st December, 1788, in Money as under mentioned, and may be reckoned towards satisfying the aforesaid Debt of the Navy.

PARLIAMENTARY

A. 1789.

In what Treasurer's Hands.	In M O N E Y.	On the Heads of										T O T A L.	
		Wear and Tear, Ordinary, and Transports.			Seamen's Wages.			Viſuals.					
ht Honourable Welbore Ellis.	In Money	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
	Ditto towards the Debt for Sick and Hurt Seamen	5354	7	1	1702	16	4½	595	6	8½	7661	1	7½
		—	0	0	8	11	6	—	0	0	—	—	—
ht Honourable Ifaac Barré.	In Money	3289	9	10	4237	16	10½	221	4	7½	—	—	—
	Ditto towards the Debt for Sick and Hurt Seamen	—	0	0	10	17	9	—	0	0	—	—	—
		—	—	—	—	—	—	—	—	—	7759	9	0½
Right Hon. Henry Dundas, 1st Treasurerſhip.	In Money	3602	11	11½	7802	18	10½	508	12	7½	—	—	—
	Ditto towards the Debt for Sick and Hurt Seamen	—	0	0	107	2	2	—	0	0	—	—	—
		—	—	—	—	—	—	—	—	—	12021	5	7½

Right Hon. Charles Townshend.

In Money —
Ditto towards the Debt for Sick and Hurt
Seamen —

Right Hon. Henry Dundas,
2d Treasurer.

In Money —
Ditto towards the Debt for Sick and Hurt
Seamen —

Ditto,
New Account.

In Money —
Ditto towards the Debt for Sick and Hurt
Seamen —

5145	2	6	4375	18	3	1241	12	11	11	8829	7	11	11
—	0	0	66	14	2	—	0	0	0	—	—	—	—
5069	16	0	1645	2	7	1320	2	11	11	—	—	—	—
—	0	0	2539	12	8	—	0	0	0	10574	14	3	3
130655	13	1	67048	9	2	12694	6	8	8	—	—	—	—
—	0	0	4020	2	0	—	0	0	0	214418	10	11	11
1151117	0	6	93566	2	5	16581	6	6	6	261264	9	6	6

There remained, on the 31st December, 1788, to come in from the Exchequer of the Supplies — £.481841 6 4

Examined,

E. LE CRAS.

And afterwards, a speech of the Lords Commissioners was delivered to both Houses, by the Lord High Chancellor of Great Britain; which is as follows, viz.

“ My Lords and Gentlemen,

“ WE have it in command from His Majesty to express
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“ served the continued proofs which you have given, during
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“ lic business, and of your zealous concern for the honour
“ and interests of his Crown, and the welfare and prosperity
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“ service.

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“ have not hitherto been effectual for restoring the general
“ tranquillity of Europe; he has the satisfaction of seeing
“ that the further extension of hostilities has been prevented,
“ and that the situation of affairs continues to promise to this
“ country the uninterrupted enjoyment of the blessings of
“ peace.”

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And afterwards the Lord Chancellor said,

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“ By virtue of His Majesty’s commission, under the great
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“ tober next, to be then here holden; and this Parliament
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Place where.	Guns.	Ships Names.	Building, or Nature of their Repair.	Time when may be		Charge of their		Total.
				Taken in Hand.	Completed.	Hulls, Masts, and Yards.	Rigging and Stores.	
Deptford.	98	Windfor Castle	Building	In hand	Uncertain	£. 80 0	£. —	8000
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Woolwich.	98	Boyne	Building	In hand	Uncertain	14190	8260	22450
	74	Monarque	Building	In hand	Uncertain	3630	—	3630

A. 1789.		D E B A T E S.		465	
£.	£.	£.	£.	£.	£.
1560	40	1600	Uncertain	Between middling and great repair	July 1789
2360	2000	4360	June 1789	Between small & middling repair	March 1789
1130	—	1130	April 1789	Middling repair	In hand
6000	—	6000	Uncertain	Building	In hand
5000	—	5000	Uncertain	Building	In hand
2030	1800	3830	Uncertain	Building	In hand
25480	—	25480	July 1789	Between middling and great repair	In hand
13340	—	13340	April 1789	Great repair	In hand
11600	2570	14170	Uncertain	Great repair	July 1789
8610	—	8610	May 1789	Between middling and great repair	In hand
17500	2090	19590	January 1790	Middling repair	May 1789
6920	—	6920	May 1789	Middling repair	In hand
16260	2020	18280	September 1789	Between small & middling repair	May 1789
7530	—	7530	October 1789	Small repair	July 1789
1030	490	1520	April 1789	Middling repair	March 1789
690	560	1250	April 1789	Between small & middling repair	March 1789
7000	—	7000	Uncertain	Building	In hand
1000	—	1000	Uncertain	Order'd to be built	March 1789
1620	—	1620	Uncertain	Building	In hand
17270	—	17270	December 1789	Between middling and great repair	In hand

mprest money repaid by James Merrick, executor of James Merrick, for non-affective allowances to captains

6,751 12 1

— ditto on account of James Merrick and Robert Porter late agents to several regiments

— Nathaniel Collyer, agent to the 75th regiment

— Lord Howe, late treasurer of the navy

— Thomas Cotton, Esquire, received by him on account of the salaries of the Chief

Justice and Attorney General of the Bermuda islands

mprest money remitted to the right honourable William Pitt from a person unknown, for conscience sake

heriffs' proffers

seizures of uncustomed and prohibited goods

compositions

Arrears of the 43d 4s. aid A. 1779

— 47th — 1783

— 48th — 1784

— 49th — 1785

— 50th — 1786

PARLIAMENTARY

95 10 0
100 0 0
49 7 8½
5,313 2 8
1 10 0

910 1 10
894 13 7
71 13 9½
20 9 6
11,116 17 2½

13,013 15 11

Total of the receipt of the consolidated fund on the 5th day of January, 1789

2,891,282 19 0½

A. 1789.

A. 1789.

DEBATES.

C H A R G E.
E X C H E Q U E R.

	£.	s.	d.
nuities which were formerly charged on 99 years Excise, with the salaries to the officers, of the receipt of Exchequer for 3 months, due 5th January, 1789.	12,428	15	7½
2-7ths Excise with ditto	3,677	16	0
ool. per week Excise with ditto	7,957	11	8
06 with ditto	6,181	2	10½
07 with ditto	2,038	0	6½
1st act 1708, with ditto	1,229	13	1½
2d act 1708, with ditto	2,649	6	3½
res ditto, 1745, due 5th January, 1758	6,159	2	6
1746, due ditto	11,233	5	0
1757, due ditto	12,283	12	6
1778, due ditto	1,384	16	6
1779, due ditto	2,587	9	3½

S O U T H - S E A C O M P A N Y.

the annuity and management of 24,065,084l. 13s. 11½d. their present capital, per one quarter, due 5th January, 1789	183,993	13	5½
the annuity and management on 1,919,600l. for half a year, due the same time, after abating the sum of 331. 9s. 4½d. being after the rate of 56½l. 10s. per million, on the sum of 119,000l. purchased by the Commissioners for the reduction of the national debt	29,300	8	4½

B A N K O F E N G L A N D.

the annuity and management on 107,399,696l. 5s. 1 d. 3 per cent. consol annuities for half a year, due 5th Jan. 1789, abating 277l. 13s. for half of 55l. 6s. being after the rate of 450l. per million, on the principal sum of 1,234,000l. purchased by the Commissioners for the reduction of the national debt	1,634,882	14	6
the annuity and management on 1,786,993l. 9s. 10d. after the rate of 5l. per cent. per annum per ditto	450,770	11	8½
the annuity and management on 1,000,000l. after the rate of 3 per cent. per annum	15,225	0	0
the annuity and management on 3,200,000l. after the rate of 3 per cent. per annum for one quarter, due 12th Feb. 1789	23,000	0	0

r the annuity on 4,000,000l. of the capital stock of the South-Sea Company, sold by them to the Bank of England, for one quarter, ended 5th January, 1789	—	—	—	30,474 10 10½
r ditto, on 500,000l. after the rate of 3 per cent. per ann. due ditto	—	—	—	3, 50 0 0
r ditto, on 1,250,000l. after the rate of 3 per cent. per ann. due ditto	—	—	—	9,375 0 0
r ditto, on 1,750,000l. after the rate of 3 per cent. per ann. due ditto	—	—	—	13,125 0 0
r ditto, on 986,800l. after the rate of 3 per cent. per ann. due ditto	—	—	—	7,401 0 0

E A S T - I N D I A C O M P A N Y.

r the annuity on 3,200,000l. after the rate of 3 per cent. per annum, for the quarter, ended 5th Jan. 1789	—	—	—	24,000 0 0
r ditto, on 1,000,000l. after the rate of 3 per cent. per ann. for the same time	—	—	—	7,500 0 0
r the Judges of England and Wales, on their several additional allowances	—	—	—	3,261 10 0
Charles Bembridge, late Secretary and Accountant in the Office for managing the former Duties on Wine Licences	—	—	—	32 10 0
more to him as Messenger in the above Office	—	—	—	5 0 0
in Cash, late Office-keeper in the above Office	—	—	—	5 0 0
e Officers in the Exchequer-Bill Office on their salaries	—	—	—	16: 10 0
r the support of His Majesty's Household	—	—	—	224,500 0 0
his Royal Highness's Henry Frederick Duke of Cumberland, on his annuity of £.8000 for ditto	—	—	—	2000 0 0
his Royal Highness's William Henry Duke of Gloucester, on ditto	—	—	—	2000 0 0
ditto — on ditto	—	—	—	2250 0 0
the Representatives of Arthur Onflow	—	—	—	750 0 0
the Earl of Chatham	—	—	—	2000 0 0
Lord Rodney	—	—	—	500 0 0
Lord Heathfield	—	—	—	375 0 0
Lord Sands	—	—	—	1750 0 0
Lord Mount Stuart	—	—	—	1750 0 0
Philip Deane	—	—	—	75 0 0
John Wigglesworth	—	—	—	75 0 0
John Lloyd	—	—	—	75 0 0
Charles Harris	—	—	—	50 0 0

A: 1789.

D E B A T E S.

483

Mr William Musgrave, John J. Batt, and John M. Leake, Esqrs. Commissioners for auditing the Public Accounts, on their annuities of 1000l. each
Mr John Dick, Bart. and William Mollison, on their annuities of 500l. each
Mr clerks, contingencies, &c. in the office of Public Accounts
Mr Lady Dorchester, Guy Carlton, and Thomas Carlton, on their annuity of 1000l.
Mr the Earl of Effingham, Master of His Majesty's Mint in the Tower of London, towards the expense of His Majesty's Mint in the year ended 5th January, 1789
Mr Robert Smith, for the expense of His Majesty's Mint in Scotland
Mr the chief Cashier of the South-Sea Company, to pay fees at the Treasury, Exchequer, &c. for 3 years, to 5th January, 1787
Mr the chief Cashier of the Bank of England, to pay fees at the Treasury, Exchequer, &c. for 2 years, to 5th July, 1787

Total charge on the consolidated fund for the quarter, ended the 5th January, 1789	—	—	—	2,753,384	8	84
Surplus of the consolidated fund for the same quarter	—	—	—	137,898	10	4
				2,891,282	19	04

Memorandum.—The above sum of 137,898l. 10s 4d. is to be applied to the following purposes, viz.
By cash to be applied by the Commissioners appointed by Parliament for reducing the national debt, in part of the sum of 250,000l.

£. 137,898 10 4

Exchequer,
1st of April, 1789.

WM. ROSE HAWORTH.

THIRD YEAR.

Accompt of the Commissioners, appointed by Act of Parliament, for
the Reduction of the National Debt.

Dr.		SEVENTH QUARTER.		C.			
1788.			Capital in al the Stocks.	Total Cash paid.			
			£.	£.	s.	d.	
February	5	By Stock bought	7750	5831	12	6	
	7	Ditto	7700	5831	2	6	
	8	Ditto	7700	5852	0	0	
	12	Ditto	7700	5813	10	0	
	13	Ditto	7700	5867	12	6	
	14	Ditto	7700	5875	2	6	
	15	Ditto	7700	5852	0	0	
	19	Ditto	7700	5835	10	0	
	20	Ditto	7700	5857	0	0	
	21	Ditto	7700	5803	17	6	
	22	Ditto	7700	5849	5	0	
	26	Ditto	7700	5803	17	6	
	27	Ditto	7800	5886	15	0	
	28	Ditto	7800	5850	0	0	
	29	Ditto	7800	5866	5	0	
March	4	By Stock bought.	7700	5864	17	6	
	5	Ditto	7700	5861	12	6	
	6	Ditto	7600	5719	0	0	
	7	Ditto	7600	5748	5	0	
	11	Ditto	7700	5798	2	6	
	12	Ditto	7800	5928	0	0	
	13	Ditto	7700	5832	15	0	
	41	Ditto	7800	5926	15	0	
	18	Ditto	7700	5832	15	0	
	19	Ditto	7800	5889	0	0	
	20	Ditto	7700	5819	0	0	
	26	Ditto	7700	5803	17	6	
	27	Ditto	7700	5800	2	6	
	28	Ditto	7800	5889	0	0	
April	1	By Stock bought	7700	5823	2	6	
	2	Ditto	7700	5823	2	6	
	3	Ditto	7700	5823	2	6	
	4	Ditto	7800	5898	15	0	
	5	Ditto	7800	5889	0	0	
	9	Ditto	7800	5879	0	0	
	10	Ditto	7800	5861	10	0	
	11	Ditto	7700	5786	0	0	
	15	Ditto	7700	5813	10	0	
	16	Ditto	7800	5801	5	0	
	17	Ditto	7800	5840	5	0	
	18	Ditto	7800	5791	10	0	
	22	Ditto	7800	5872	2	6	
	23	Ditto	7800	5889	0	0	
	24	Ditto	7800	5879	10	0	
	29	Ditto	7700	5793	0	0	
	30	By Stock bought	7900	5838	12	6	
Total			222200	268600	0	0	

Dr.		FIGHTH QUARTER.	Cr.			
1788.			Capital in all the Stocks.	Total Cash paid.		
			£.	£.	s.	d.
May	2	By Stock bought	8700	6522	2	6
	6	Ditto	8600	6465	5	0
	7	Ditto	8600	6471	10	0
	8	Ditto	8500	6400	0	0
	9	Ditto	8500	6407	10	0
	14	Ditto	8600	6364	15	0
	15	Ditto	8600	6460	15	0
	16	Ditto	8700	6483	7	6
	20	Ditto	87 0	6546	15	0
	21	Ditto	8600	6423	7	6
	22	Ditto	8700	6487	15	0
	23	Ditto	8600	6450	15	0
	27	Ditto	8600	6471	10	0
	28	Ditto	8800	6490	0	0
	30	Ditto	8700	6427	2	6
June	3	By Stock bought	8800	6578	0	0
	5	Ditto	8700	6499	2	6
	6	Ditto	8610	6410	19	6
	10	Ditto	8590	6442	10	0
	12	Ditto	8600	6439	5	0
	13	Ditto	8700	6475	0	0
	17	Ditto	8600	6439	5	0
	18	Ditto	8600	6430	12	6
	19	Ditto	8600	6450	0	0
	20	Ditto	8600	6418	12	6
	25	Ditto	8600	6428	10	0
	26	Ditto	8700	6503	5	0
	27	Ditto	8800	6534	0	0
July	1	By Stock bought	8600	6428	10	0
	2	Ditto	8600	6424	5	0
	3	Ditto	8600	6439	5	0
	4	Ditto	8700	6484	2	6
	8	Ditto	8700	6432	15	0
	9	Ditto	8650	6412	12	6
	10	Ditto	8800	6512	0	0
	11	Ditto	8650	6403	8	9
	15	Ditto	8800	6501	0	0
	16	Ditto	8800	6514	10	0
	17	Ditto	8700	6413	10	0
	18	Ditto	8700	6450	10	0
	22	Ditto	8700	6438	10	0
	23	Ditto	8800	6515	5	0
	24	Ditto	8800	6477	10	0
	29	Ditto	8700	6448	17	6
	30	Ditto	8700	6448	17	6
	31	Ditto	8650	6448	6	3
Total			398550	297044	17	0

Dr. NINTH QUARTER.		Cr.			
1788.		Capital in all the Stocks.	Total Cash paid.		
		£.	£.	s.	d.
August	5	By Stock bought	7500	5584	7 6
	6	Ditto	7500	5615	12 6
	7	Ditto	7500	5606	2 0
	8	Ditto	7500	5630	0 0
	13	Ditto	7600	5671	10 0
	14	Ditto	7600	5605	0 0
	15	Ditto	7500	5578	2 6
	19	Ditto	7600	5614	10 0
	20	Ditto	7500	5596	17 6
	21	Ditto	7600	5614	10 0
	22	Ditto	7500	5587	10 0
	26	Ditto	7600	5658	15 0
	27	Ditto	7600	5643	0 0
	28	Ditto	7600	5629	0 0
	29	Ditto	7600	5633	10 0
September	3	By Stock bought	7500	5596	17 6
	4	Ditto	7500	5578	2 6
	5	Ditto	7500	5506	17 6
	9	Ditto	7500	5540	12 6
	10	Ditto	7500	5596	17 6
	11	Ditto	7600	5600	5 0
	12	Ditto	7600	5643	0 0
	16	Ditto	7600	5614	10 0
	17	Ditto	7600	5652	10 0
	18	Ditto	7600	5614	10 0
	19	Ditto	7600	5654	0 0
	23	Ditto	7600	5614	10 0
	24	Ditto	7500	5578	2 6
	25	Ditto	7600	5605	0 0
	26	Ditto	7500	5578	2 6
	30	Ditto	7600	5614	10 0
October	1	By Stock bought	7500	5596	17 6
	2	Ditto	7600	5624	0 0
	3	Ditto	7500	5606	5 0
	7	Ditto	7500	5587	10 0
	8	Ditto	7500	5641	5 0
	9	Ditto	7500	5610	0 0
	10	Ditto	7500	5648	15 0
	14	Ditto	7400	5540	15 0
	15	Ditto	7400	5587	0 0
	16	Ditto	7500	5598	15 0
	17	Ditto	7600	5669	5 0
	21	Ditto	7500	5627	10 0
	22	Ditto	7500	5595	12 6
	23	Ditto	7400	5569	0 0
	24	Ditto	7500	5634	7 6
	29	Ditto	7500	5618	15 0
	30	Ditto	7500	5662	10 0
	31	By Stock bought	7500	5580	2 6

Dr. TENTH QUARTER.		Cr.			
1788.		Capital in all the Stocks.	Total Cash paid.		
		£.	£.	s.	d.
November 6	By Stock bought	8300	6256	2	6
7	Ditto	8300	6214	12	6
11	Ditto	8400	6237	0	0
12	Ditto	8400	6111	0	0
13	Ditto	8500	6265	0	0
14	Ditto	8500	6173	2	6
18	Ditto	8500	6343	2	6
19	Ditto	8400	6289	10	0
20	Ditto	8400	6226	10	0
21	Ditto	8400	6268	10	0
25	Ditto	8300	6183	10	0
26	Ditto	8300	6173	2	6
27	Ditto	8300	6173	2	6
28	Ditto	8300	6162	15	0
December 2	By Stock bought	8300	6094	7	6
3	Ditto	8400	6216	0	0
4	Ditto	8500	6206	5	0
5	Ditto	8600	6288	15	0
9	Ditto	8600	6268	10	0
10	Ditto	8600	6278	0	0
11	Ditto	8600	6256	10	0
12	Ditto	8600	6245	15	0
16	Ditto	8500	6183	15	0
17	Ditto	8600	6192	0	0
18	Ditto	8500	6173	2	6
19	Ditto	8600	6192	0	0
23	Ditto	8600	6254	0	0
24	Ditto	8600	6256	10	0
30	Ditto	8500	6205	0	0
31	Ditto	8600	6254	17	6
January 2	By Stock bought	8500	6205	0	0
7	Ditto	8600	6245	15	0
8	Ditto	8600	6212	15	0
9	Ditto	8600	6300	5	0
13	Ditto	8500	6162	10	0
14	Ditto	8500	6156	17	6
15	Ditto	8500	6124	7	6
16	Ditto	8600	6235	0	0
20	Ditto	8600	6235	0	0
21	Ditto	8600	6235	0	0
22	Ditto	8600	6235	0	0
23	Ditto	8600	6235	0	0
27	Ditto	8600	6212	15	0
28	Ditto	8600	6192	0	0
29	By Stock bought	8700	6270	7	6
Total		382700	279900	0	0
Total third Year		£.1,506,350	1,120,579	17	0

An Account of the Receipt and Expenditure of 1,120,579l. 17s. in one year, from February 2d, 1788, to January 31st, 1789, by the Commissioners appointed by 26th of George III. for the reduction of the National debt.

Drs. The said Commissioners

To cash paid for the following Stock, purchased as the act directs, viz.

Capital Stock.		£.	s.	d.
£. 722,350	Consolidated 3 per cent. annuities -	539,002	1	3
235,100	Reduced annuities, consolidated -	173,997	17	0
283,200	Old South Sea annuities -	210,381	1	3
203,700	New South Sea annuities -	151,241	17	6
62,000	3 per cent. annuities, 1751 -	45,957	0	0
<hr/>		<hr/>		
1,506,350	The interest on which is 45,190l. 10s. per annum.			
<hr/>		<hr/>		

1,120,579 17 0

The Governor and Company of the Bank of England

Crs.

By cash received at fundry times, viz.		£.	s.	d.
From the Exchequer, being 4 quarterly issues	-	1,000,000	0	0
For 6 months interest on £.930,000 consol. 3 per cent. annuities, due 5th Jan. 1788	—	13,950	0	0
Ditto on 227,000l. New South Sea annuities, due ditto		3,405	0	0
Ditto on 89,000l. 3 per cent. annuities, 1751, ditto		1,335	0	0
Ditto on 450,000l. reduced annuities consol. due 5th April, 1788	—	6,750	0	0
Ditto on 437,000l. old South Sea annuities, due ditto		6,555	0	0
Ditto on 1,234,000l. consol. 3 per cent. annuities, due 5th July, 1788	—	18,510	0	0
Ditto on 310,000l. New South Sea annuities, due do.		4,650	0	0
Ditto on 119,000l. 3 per cent. annuities, 1751, ditto		1,785	0	0
Ditto on 560,000l. reduced annuities consol. due 10th October, 1788	—	8,400	0	0
Ditto on 600,000l. Old South Sea annuities, ditto	-	9000	0	0
From the Exchequer, being the amount of annuities on lives payable at the Exchequer, and unclaimed for 3 years before the 5th January, 1788	—	19,633	2	0
Ditto, being the amount of annuities on lives expired between the 5th January, 1786, and 5th January, 1788, viz.				
Anno 1745	—	£. 82	0	0
1746	—	767	0	0
1757	—	719	15	0
1779	—	38	0	0
For the amount of the yearly payment on the annuity, 1777		—	25,000	0
			1,120,579	17

By cash received at fundry times, to be applied in the quarter between the 1st of Feb. and 1st of May, 1789, viz.

1789.				
Jan. 21.	From the Exchequer, being in part of a quarterly issue	—	137,898	10 4
	For 6 months interest on 1,600,000l. consol. 3 per cent. annuities, due 5th Jan. 1789		24,000	0 0
	Ditto on 440,000l. New South Sea annuities, due ditto	—	6,600	0 0
	Ditto on 150,000l. 3 per cent. annuities, 1751, due ditto	-	2,250	0 0
31.	From the Exchequer, in full of the quarterly issue	—	112,101	9 8
Bank of England, 9th Feb. 1789.			282,850	0 0
A. Newland, Chief Cashier.				

An Account of the Officers appointed by the Commissioners for the reduction of the National Debt, and of the annual allowances settled by the Commissioners of the Treasury for their service, pains, and labour, in performing the trust severally reposed in them.

Secretary,	}	Total of salaries	—	£. 1,230
Agent,				
Broker,				
Clerk,				
Messenger,				

An Account of incidental Charges.

Total of incidental expences	—	—	£. 90
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An Account of expired Terms and Annuities.

To cash received by unclaimed and expired annuities, between the 1st day of February, 1788, and the 1st of February, 1789	—	—	£. 21,239
To ditto, by expired terms	—	—	25,000

Accruing Interest.

Accruing Interest	—	—	£. 108,780
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W. W. Grenville.
W. Pitt.
R. P. Arden. ,
T. Walker.
Edward Darell.
Mark Weyland.

of the General Account of the CUSTOMS, new and additional Impositions, from the Comptroller General of His Majesty's Customs, for the Year, ending the 5th of January, 1789.

NET PRODUCE.		Charges of Management.		Bounties.		Drawbacks.	T O T A L.	NET PRODUCE.	
		Salaries.	Incidents.						
Money.	Bonds.	Money.	Money.	Money.	Bonds.	Money.	Bonds.	Money.	Bonds.
11 8630708 19 6 1/2		20917 5 2	27093 5 1 1/2	63035 9 6 3/4	60591 13 2 1/4	599293 16 6 1/2	171637 13 0 1/2	599293 16 6 1/2	79201 18 7 1/2

ve account is made up from the Collector's accounts current, and Receiver General's books. The receipts and payments of the port Schetland (a t port) for the quarters, ended 10th of October, 1788, and 5th of January, 1789, are not included therein; the accounts current of that port, for periods, not yet having come to hand.

he net produce of the duties of customs in Scotland is, by law, subject to the keeping up of the Courts of Session, Justiciary, and Exchequer, and defraying other charges of the civil establishment there; as also to the payment of two annuities, one of ten thousand pounds, being the equivalent claimed in behalf of Scotland, by virtue of the Treaty of Union; and the other of two thousand pounds, for encouraging fisheries and manufacturers in Scotland: and there have been paid, within the period of this account, out of the above net produce, the following sums, pursuant to warrants of the right honourable Barons of Exchequer, viz.

For payment of the Court of Session, Justiciary, and Exchequer	—	—	£. 26,000 0 0
For payment of the Commissioner of the General Assembly	—	—	1,500 0 0
And there has been remitted (in the above period) to the Receiver General of the Customs in London, the sum of	—	—	40,000 0 0

House, Edinburgh,
1 March, 1789.

RICHARD GARDNER,
Assistant Comptroller General.

An Account of what number of Ships or Vessels from Scotland have been employed in the Whale Fishery to Davis's Streights and the Greenland Seas. with their respective Names and Burthens, from whence they were fitted out, and at what port discharged, and also what quantity of Oil, or Blubber, or Whale Fins, each Ship has imported, from the 10th of October 1787 to the 10th of October 1788; required to be laid before both Houses of Parliament, by the 19th Sec. of the Act 26 George III. Cap. 41st.

Quantity of whale-blubber imported.			Quantity of whale-fins imported.						
Tons	Hhds	Galls	Tons	Hhds	Gall.	Tons	Cwt	Qrs	Lbs
23	2	49	14	—	61	—	18	3	14
1	3	6	1	—	46	—	—	—	—
2	2	10	1	—	—	—	—	—	—
49	1	20	29	—	—	3	—	—	4
—	2	—	—	1	7	—	—	—	—
69	—	56	64	2	56	6	9	3	—
6	1	4	6	—	—	—	5	1	21
49	—	28	46	—	—	4	16	2	24
—	2	—	—	1	47	—	—	—	—
13	—	36	7	1	—	1	10	—	22
48	—	6	29	—	15	2	13	—	14
38	2	21	28	1	37	1	14	—	21
7	—	42	5	3	48	—	2	1	—
14	3	45	11	1	55	—	5	—	14
32	—	42	22	—	58	2	8	2	14
62	2	37	42	—	—	3	9	1	14
86	—	6	60	—	—	6	1	3	—

[illegible]

N. B. The quantity of Oil produced from the Blubber imported, is not furnished from any official Documents, but from the information obtained from the Owners and Agents, by the Officers, which information, though presumed to be accurate, the Officers cannot be accountable for.

**ROBERT HEPBURN.
DAVID REID.
JAMES EDGAR.**

Custom House, Edinburgh, 16th December, 1788.

NORTH BRITAIN.

An Account of the gross and net Produce of all the Taxes under the head of Excise, in Scotland; distinguishing the sums paid out of the gross produce, under each particular head, to the latest period to which the same can be made up, viz. from the 5th of July, 1787, to the 5th of July, 1788.

D U T I E S.	Gross Produce.			Net Produce.			Sums paid out of the gross produce under each particular head.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Auctions —	3428	8	6	3348	6	7 $\frac{3}{4}$	80	1	10 $\frac{3}{4}$
Beer and Ale —	38042	8	4 $\frac{3}{4}$	13530	3	0	24512	5	4 $\frac{3}{4}$
Bricks and Tiles —	3084	3	4 $\frac{1}{4}$	2975	0	2 $\frac{1}{4}$	109	3	2
Candles —	16353	6	11 $\frac{1}{2}$	12844	17	0 $\frac{1}{2}$	3508	9	11
Coaches —	111	0	0	111	0	0			
Coffee and Cocoa —	86	9	3 $\frac{3}{4}$	86	9	3 $\frac{3}{4}$			
Glass —	16132	9	6 $\frac{1}{4}$	6685	12	8	9446	16	10 $\frac{1}{4}$
Hides and Skins —	16372	8	9	12851	16	2 $\frac{3}{4}$	3520	12	6 $\frac{1}{2}$
Paper —	4106	5	5 $\frac{1}{4}$	3938	8	7 $\frac{3}{4}$	167	16	9 $\frac{1}{2}$
Printed goods —	40327	2	3 $\frac{1}{2}$	36421	3	6 $\frac{1}{2}$	3905	18	9
Sope —	67026	1	0 $\frac{1}{4}$	58945	10	11 $\frac{1}{2}$	8080	10	1 $\frac{1}{4}$
Starch —	8321	17	7 $\frac{3}{4}$	7233	2	0 $\frac{1}{4}$	1088	15	7 $\frac{1}{2}$
Spirits { Foreign —	45921	0	6	42604	11	10 $\frac{1}{4}$	3317	8	8 $\frac{1}{4}$
	43148	18	1	38610	8	0 $\frac{1}{4}$	4538	10	0 $\frac{1}{4}$
	13448	0	7 $\frac{1}{2}$	12354	6	0 $\frac{1}{4}$	1093	14	7 $\frac{1}{4}$
Wines —	29287	14	2 $\frac{1}{2}$	26839	19	5 $\frac{1}{2}$	2447	14	9
Plate Licences —	248	8	0	225	6	0	23	2	0
Spirit Licences —	5131	6	0	4790	1	9 $\frac{1}{4}$	341	4	2 $\frac{3}{4}$
Tea Licences —	649	0	0	615	15	9 $\frac{3}{4}$	33	4	2 $\frac{1}{4}$
General Licences —	2830	10	6 $\frac{1}{2}$	2810	10	6 $\frac{1}{2}$	20	0	0
Fines and forfeitures —	9812	4	2 $\frac{1}{2}$	5366	9	7	4445	14	7 $\frac{1}{2}$
Total Excise —	363869	3	6	293187	19	3 $\frac{3}{4}$	70681	4	2 $\frac{1}{4}$
Malt { Annual, 1788 —	22156	4	0 $\frac{1}{4}$	14705	3	0	7451	1	0 $\frac{1}{4}$
	35993	3	4 $\frac{1}{4}$	30142	12	6 $\frac{3}{4}$	5890	10	9 $\frac{1}{2}$
Total Malt —	58149	7	4 $\frac{1}{2}$	44847	15	6 $\frac{3}{4}$	13301	11	9 $\frac{1}{2}$
Grand Total —	422018	10	10 $\frac{1}{2}$	338035	14	10 $\frac{1}{2}$	83982	16	0

John Edgar, Accomptant.

James Ramsay, Accomptant General.

Andrew Hamilton, Dep. Comptroller.

Excise Office, Edinburgh,
31st March, 1789.

Robert Graham.

George Brown.

T. Wharton.

NORTH BRITAIN.

An Account of the gross and net Produce of Fines and Forfeitures, and what part thereof was paid into the receipt of His Majesty's Exchequer, for the year 1788.

	Gross Produce.	Charges attend- ing the estab- lishment of four yachts for the sup- pression of smuggling.	Net Produce.
	£. s. d.	£. s. d.	£. s. d.
For the year ended 5th July, 1788 —	9812 4 2½	4445 14 7½	5366 9 7

N. B. Net produce, applicable to the payment of pensions on His Majesty's civil establishment, per warrants from the Barons of Exchequer in Scotland.

John Edgar, Accomptant.
James Ramsay, Accompt. General.
Andrew Hamilton, D. Comptroller.

Excise Office, Edinburgh,
26th March, 1789.
T. Wharton.
George Brown.
Robert Graham.

An Account of the total Sums paid into the Exchequer, between the 5th of April, 1788, and the 5th of April, 1789, on account of the Duties arising from Stamps.

				£.	s.	d.
Consolidated duties	—	—	—	636,707	0	3
Insurance	—	—	—	96,571	7	5
Births, &c.	—	—	—	3,807	4	3
Bills of Exchange	—	—	—	83,224	7	3
Receipts	—	—	—	38,840	12	9
Hats	—	—	—	23,985	13	7
Plate	—	—	—	23,076	18	10
Horse Dealers, &c.	—	—	—	1,322	11	5
Post Horses	—	—	—	195,139	18	8
Medicines	—	—	—	10,986	13	3
Game	—	—	—	56,674	10	8
Attornies	—	—	—	24,787	17	1
Pawnbrokers	—	—	—	4,189	12	7
Gloves	—	—	—	10,220	9	10
Perfumery	—	—	—	10,189	1	0
Judges duty	—	—	—	1,424	5	7
Apprentice duty	—	—	—	6,964	13	11
				<hr/>		
				1,228,112	18	4
				<hr/>		

Stamp Office,
May 26th, 1789.

J. LLOYD, Pro Comptroller.

An Account of the net Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th of April, 1787, and the 5th of April, 1788, and between the 5th of April, 1788, and the 5th of April, 1789.

	1788.			1789.		
	£.	s.	d.	£.	s.	d.
Consolidated customs	3817628	15	0	3711126	3	9
excise	6368189	3	8½	6068295	8	2
stamps	1211878	10	8	1244109	11	3

INCIDENTS.

Consolidated letter money	156000	0	0	156000	0	0
salt	361995	12	8	350268	15	1
Seizures, 1760	4132	7	9½	20421	9	10½
Proffers, 1760	666	13	8	533	15	7½
Fines of leases	6906	6	4			
Letter money, 1760	101060	0	0	156000	0	0
Allum mines	960	0	0	960	0	0
Compositions, 1760	4	16	8	7	13	4
Rent of a light house	6	13	4	6	13	4
Hawkers and pedlers, 1710	1454	7	10½	2220	0	0
Hackney coaches, 1711	11219	15	4	11100	4	4
Ditto - 1784	10769	0	0	14052	4	4
6d. per lib. on pensions, 24th June, 1721	41100	0	0	45585	0	0
1s. deduct on salaries 5th April, 1758	16757	12	3½	51285	15	7½
Male servants, 1785	95431	6	10½	91876	13	3½
Female servants, 1785	29989	3	1½	31431	4	6½
4-wheel carriages, 1785	131037	16	5¼	126965	8	11½
2-wheel carriages, 1785	29092	9	0½	27644	13	0¼
Horses ditto	114459	19	4½	99985	17	7¼
Waggons ditto	17334	2	0½	19420	17	9½
Carts ditto	10853	19	1¼	11513	8	11½
Shops ditto	59313	15	2¼	50195	16	11¼
Houses and windows, 1766	408470	0	6	383234	10	10
Ditto - 1778	136542	16	8½	128809	0	8½
Tenths of the Clergy	9893	16	4	19786	2	9½
Alienation duty ditto	2433	15	4	3091	12	0
Fines and forfeitures	1400	0	0	1891	11	7½
Men servants, 1777				6	0	0
Hawkers and pedlers, 1785	1088	13	11½			
First fruits of the Clergy	5164	2	10	4380	16	11
Houses, anno 1727	82	0	9½			

1765561	3	6½	1808675	7	5½
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Total of customs, excise, stamps, and incidents

12162257	12	11½	12822206	10	7½
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An Account of the Duties of Excise paid into the Exchequer, by the Commissioners of Excise in England, in one Year, 500
between 5th of April, 1788, and 5th of April, 1789, on the Part of Scotland.

Under what Heads paid in.		First Quarter, from 5th April 1788 to 5th July 1788.		Second Quarter, from 5th July 1788, to 10th October, 1788.		Third Quarter, from 10th Octo- ber 1788, to 5th January 1789.		Fourth Quarter, from 5th January 1789 to 5th April, 1789.		Total Net Produce of the Four Quarters.	
		£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
Excise consolidated	—	29000	0 0	8000	0 0	22000	0 0	—	0 0	59000	0 0
Licences	—	—	—	1000	0 0	2000	0 0	3500	0 0	6500	0 0
Malt consolidated	—	4000	0 0	7000	0 0	15000	0 0	5500	0 0	31500	0 0
Printed Linens	—	4000	0 0	—	—	—	—	10000	0 0	14000	0 0
Sops	—	6000	0 0	4200	0 0	10000	0 0	14500	0 0	34500	0 0
Spirits { British	—	—	—	10000	0 0	10000	0 0	10500	0 0	30500	0 0
Foreign	—	2000	0 0	12000	0 0	2000	0 0	4000	0 0	20000	0 0
Auctions	—	—	—	1000	0 0	—	—	1000	0 0	2000	0 0
Starch	—	—	—	—	—	4000	0 0	1500	0 0	5500	0 0
Wine	—	—	—	—	—	4000	0 0	3000	0 0	7000	0 0
Bricks and Tiles	—	—	—	—	—	—	—	1500	0 0	1500	0 0
Glass	—	—	—	—	—	—	—	2000	0 0	2000	0 0
Paper	—	—	—	—	—	—	—	1500	0 0	1500	0 0
Total of perpetual duties	—	45000	0 0	43000	0 0	60000	0 0	58500	0 0	215500	0 0
Annual Malt, Mum, Cyder, and Perry	—	—	—	3000	0 0	8000	0 0	3500	0 0	14500	0 0

Total of Scotland	—	—	45000	0	0	46000	0	0	77000	0	0	62000	0	0	230000	0	0
England	—	—	1814104	0	0	1895529	8	2	8398232	0	0	1345304	0	0	6453169	8	2
Scotland	—	—	45000	0	0	46000	0	0	77000	0	0	62000	0	0	230000	0	0
Grand Total of England and Scotland	—	—	1859104	0	0	1941529	8	2	1475232	0	0	1407304	0	0	6683169	8	2
England	—	—	5852795	8	2												
Scotland	—	—	215500	0	0												
Perpetual Duties	—	—	—	—	—	6268295	8	2									
England	—	—	600374	0	0												
Scotland	—	—	14500	0	0												
Annual Malt, &c.	—	—	—	—	—	614874	0	0									
Total	—	—	—	—	—	6683169	8	2									

D. PAPILLON.
W. BURRELL.
W. LOWNDIS,
ST. BROOKSBANK.
J. OLMIUS.
M. WHISH.

An Account of all sums granted for the Public Expenditure, from the 5th of January, 1786, to the 5th of January, 1789, distinguishing each Year, under the heads of Interest and Charges of the Public Debts, Exchequer Bills, Civil List, Charges on the Aggregate Fund, Navy, Army, Ordnance, Militia, Miscellaneous Services, and Appropriated Duties, viz.

	Sums granted in the Year,								
	From 5th January, 1786, to 5th January, 1787.			From 5th January, 1787, to 5th Jan. 1788.			From 5th January, 1788, to 5th January 1789.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Interest and charge of the public debts —	9277407	16	1½	9276661	5	11½	9276221	16	2½
Exchequer bills —	5500000	0	0	5500000	0	0	5500000	0	0
Civil List —	900000	0	0	900000	0	0	900000	0	0
Charges on the aggregate fund	66938	4	3½	15613	17	6½			
Ditto on the consolidated fund, from 5th April, 1787 —				74474	2	10	101759	0	2½
Navy —	2387526	18	8	2240200	0	0	2366607	5	11
Army —	1978154	15	0¼	1831481	4	2	2038852	11	8
Ordnance —	393677	17	1	375376	17	3	484507	0	9
Militia —	65827	11	8¾	91595	15	3½			
Miscellaneous services —	1807862	19	1½	1422484	5	10¾	1404192	4	3½
Appropriated duties —	67377	17	10	48867	13	10½	39879	7	8½

Memorandum.—No Account has yet been transmitted to the Auditors of the Land Revenue, of the expence of the Militia for the year 1788.

Treasury Chambers,
June 25, 1789.

THO^s. STEELE.

An Account of all Sums granted for the Public Expenditure, from the 5th of April, 1786, to the 5th of April, 1789, distinguishing each Year, under the heads of Interest and Charges of the Public Debt, Exchequer Bills, Civil List, Charges on Aggregate Fund, Navy, Army, Ordnance, Militia, Miscellaneous Services, and Appropriated Duties, viz.

	Sums granted in the Year,								
	From 5th of April, 1786, to 5th April, 1787.			From 5th of April, 1787, to 5th April, 1788.			From 5th April, 1788, to 5th April, 1789.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Interest and charge of the public debts —	9277407	16	1½	9276563	17	9½	9276096	1	3
Exchequer Bills —	5500000	0	0	5500000	0	0	5500000	0	0
Civil List —	900000	0	0	900000	0	0	900000	0	0
Charges on the Aggregate fund	67235	6	7						
Ditto on the Consolidated fund	—			94470	0	0	101759	0	2½
Navy —	2387526	18	8	2240200	0	0	2366607	7	11
Army —	1978154	15	0½	1831481	4	2	2038852	11	8
Ordnance —	393677	17	1	375376	17	3	484507	0	9
Militia —	65827	11	8½	91595	15	3½			
Miscellaneous services —	1807862	19	1½	1422484	5	10½	1404192	4	3½
Appropriated duties —	67548	13	11	41523	2	11½	43809	15	7½

Memorandum.—No account has yet been transmitted to the Auditors of the Land Revenue, of the expences of the Militia for the year 1788.

Treasury Chambers,
June 25, 1789.

THOS. STEELE.

An Account of any portion of the unclaimed Dividends of the Funds, applied to Public Purposes, since the 5th of April, 1786; made out in pursuance of an Order of the honourable the House of Commons, dated the 19th June, 1789.

— Nil. —

Treasury Chambers,
25th June, 1789.

THOMAS STEELE.

An Account of the Monies arising from the Sale of Crown Lands, and applied to the Public Use, since the 5th of April, 1786; made out in pursuance of an Order of the honourable House of Commons, dated the 19th June, 1789.

There have been no Crown Lands sold, but certain Fee Farm Rents have been disposed of by the Commissioners of the Land Revenue, and the produce thereof vested in the three per cent. Consolidated Bank Annuities, to the amount of sixty-one thousand pounds capital stock.

Treasury Chambers,
25th June, 1789.

THOMAS STEELE.

An Account of all Sums received at the Exchequer, for the Public Use, between the 5th January, 1786, and the 5th April, 1789, not included in the Account of the Taxes.

The Sums received at the Exchequer, for the Public Use, between the 5th January, 1786, and the 5th of April, 1789, not included in the Account of Taxes, amount to three millions, seventy-nine thousand, eight hundred and twelve pounds, eight shillings and sixpence halfpenny.

Exchequer the 24th
day of June, 1789.

WM. ROSE HAWORTH.

An Account of the undischarged Exchequer Bills, on the Land Tax, 1789, as it stood on the 9th of June, 1789.

On the Land Tax, 1789 - - - £.331,000

N. B. There are no Exchequer Bills outstanding and undischarged on account either of the Malt Tax 1787 or 1789.

Exchequer-Bill Office, the
26th day of June, 1789.

WM. Js. COOKE, Acct.

An Account of the Interest paid on Exchequer Bills, between the 5th day of January, 1786, and the 5th day of January, 1789; distinguishing each year.

Between the 5th day of January 1786, and the 5th day of January 1787	—	—	£. 223,157	19	7
Between the 5th day of January 1787 and the 5th day of January 1788	—	—	145,438	8	0
Between the 5th day of January 1788, and the 5th day of January 1789	—	—	180,970	3	2

An Account of the Interest paid on Exchequer Bills, between the 5th day of April, 1786, and the 5th day of April, 1789.

N. B. The interest upon Exchequer Bills, between the 5th day of April, 1786, and the 5th day of April, 1789, is the same as the above account.

Exchequer-Bill Office,
1st July, 1789.

WM. J. COOKE, Accomptant.

An Account of the Undischarged Exchequer Bills, on the different Taxes on Land and Malt, as they stood on the 9th day of June, 1789.

On the Land Tax, 1787	—	£. 244,000
On the Land Tax, 1788	—	1,162,000
On the Malt Tax, 1788	—	713,000
		<hr/>
		2,119,000
		<hr/>

Exchequer-Bill Office,
23d June, 1789.

WM. J. COOKE, Accomptant.

An Account of the net Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th day of January, 1786, and the 5th day of January, 1789.

	From January 1786, to January 1787.	From January 1787, to January 1788.	From January, 1788, to January, 1789.
	£. s. d.	£. s. d.	£. s. d.
Customs —	4063314 7 2½	3714477 2 6	3792954 2 10½
Excise —	5531114 6 10½	6225627 11 3	6150119 8 2
Stamps —	1181464 11 10¼	1182060 16 0	1270594 17 11
Incidents —	1613661 15 2	1800969 7 5	1793974 9 4½
	12389555 1 1¼	12923134 17 2¼	13007642 18 4¼

Exchequer,
1st of July, 1789.

W. ROSE HAWORTH.

An Account of the net Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th day of April, 1786, and the 5th day of April, 1789.

	From April, 1786, to April, 1787.	From April, 1787, to April, 1788.	From April, 1788, to April, 1789.
	£. s. d.	£. s. d.	£. s. d.
Customs —	4045249 5 6½	3817628 15 0	3711126 3 9
Excise —	5664295 5 8	6368189 3 8¾	6068295 8 2
Stamps —	1153680 9 9½	1211878 10 8	1244109 11 3
Incidents —	1682887 12 6½	1765561 3 6	1808657 7 5¼
	12546112 13 7	13163257 12 11½	12832206 10 7¼

Exchequer,
1st of July, 1789.

W. ROSE HAWORTH.

An Account of the several Times when the Exchequer Bills for £.5,500,000, granted in 1785, were issued.

. B. Of the above Sum of £.5,500,000, the Sum of 3,500,000 only was granted for the Service of the Year 1785. and charged on the Supplies 1786; the remaining £.2,000,000 were not granted or issued in the Year 1785

The sum of £.1,500,000, by an act of Parliament, for raising a certain sum of Money, by Loans, or Exchequer Bills, for the service of the Year 1785, was issued as follows:

April 26, 1785, - £1,500,000

The sum of £.1,000,000, by an act of Parliament, for raising a further sum of Money by Exchequer bills, for service of the Year 1785, was issued as follows:

April 26, 1785 - £.140,900

May 24 - - - 10,000

June 14 - - - 7,000

17 - - - 12,000

20 - - - 6,000

July 1 - - - 2,000

18 - - - 700

August 18 - - - 200,000

22 - - - 5,400

27 - - - 10,000

31 - - - 10,000

September 3 - - - 10,000

5 - - - 10,000

6 - - - 10,000

7 - - - 10,000

8 - - - 1,500

12 - - - 10,000

15 - - - 10,000

16 - - - 10,000

October 11 - - - 200,000

December 2 - - - 134,000

February 3, 1786 - - - 132,000

8 - - - 26,000

March 2 - - - 21,000

April 11 - - - 3,600

13 - - - 1,200

15 - - - 300

20 - - - 400

21 - - - 200

26 - - - 200

28 - - - 400

The sum of £.1,000,000, by an act of Parliament, for raising a further sum of Money, by Loans, or Exchequer Bills, for the service of the Year 1785, was issued as follows:

	£.	s.	d.
Aug. 22, 1785	61,359	13	11 $\frac{3}{4}$
25 -	3,047	7	6
26 -	7,000	—	—
Sep. 1 -	30,000	—	—
3 -	40,000	—	—
5 -	14,900	—	—
7 -	20,954	10	4 $\frac{1}{2}$
8 -	92	1	10
10 -	6,500	—	—
16 -	6,356	17	—
24 -	192,050	16	4
27 -	16,602	7	7 $\frac{1}{2}$
Oct. 3 -	528	5	4 $\frac{1}{4}$
Nov. 12 -	238	9	2 $\frac{1}{4}$
16 -	369	10	9
Feb. 22, 1786	30,000	—	—
23 -	42,290	18	—
March 2 -	11,836	2	6 $\frac{1}{4}$
6 -	5,000	—	—
7 -	30,000	—	—
9 -	25,000	—	—
10 -	17,763	1	5
14 -	34,204	3	—
15 -	25,257	5	1
30 -	162,101	14	8
April 5 -	5,668	16	9
8 -	2,996	5	11
May 4 -	3,277	6	2
9 -	11,770	14	2
16 -	4,808	—	—
26 -	3,164	14	7
June 9 -	172	17	6
10 -	175,688	—	2 $\frac{3}{4}$
	1,000,000	—	—

An Account of the net Produce (into the Exchequer) of the Annual Duty on Malt, from 5th January, 1786, to 5th January, 1789; distinguishing each Year.

Beginning each Year.				
Year ended 5th January	{	1787	—	£. 503,668
		1788	—	601,180
		1789	—	598,536
		<hr/>		
	Total	—	1,703,384	

Excise Office, London,
3d July, 1789.

G. J. CHOLMONDELEY,
W. LOWNDES,
M. WHISH,
W. BURRELL,
ST. BROOKSBANK,
J. OLMIOUS.

J. MORRIS, Accomptant General.

Navy Office, 1st July, 1789.

An Account of the Amount of such Part of the Debt of the Navy as now bears Interest;

Prepared pursuant to a Precept from the honourable House of Commons, dated the 30th June, 1789, viz.

			£.	s.	d.
Navy and Transport Bills	-	-	1,103,564	11	7
Victualling Bills	-	-	369,241	17	1
Total			<u>1,472,806</u>	<u>8</u>	<u>8</u>

The whole amounting to the Sum of one million, four hundred and seventy-two thousand, eight hundred and six pounds, eight shillings and eight pence.

C. MIDDLETON,
J. HENSLOW,
G. MARSH,
G. ROGERS,
W. PALMER,
E. LE CRAS,
S. WALLIS.

An Account of the Gross and Net Produce of the Duties arising from the Stamp Revenue, with the Total, from the 5th of January, 1788, to the 5th of January, 1789.

			Gross Produce.			Net Produce.		
			£.	s.	d.	£.	s.	d.
Consolidated duties	—	—	698838	7	10	651538	0	3
Insurance	—	—	101006	16	4	96173	7	5
Burials, &c.	—	—	3978	11	11	3709	4	3
Bills of Exchange	—	—	88243	18	1	86999	7	3
Receipts	—	—	42698	2	9	39917	12	9
Hats	—	—	24538	0	8	23617	13	7
Plate	—	—	26338	6	8	23295	18	10
Horse Dealers, &c.	—	—	1668	0	7	1594	11	5
Post Horses	—	—	207727	6	3	204659	18	8
Medicines	—	—	11714	7	7	11054	13	3
Game	—	—	55960	12	5	55616	10	8
Attornies	—	—	25472	10	10	24902	17	1
Pawnbrokers	—	—	4280	0	0	4191	12	7
Gloves	—	—	11144	7	8	10654	9	10
Perfumery	—	—	11611	5	0	10598	1	0
Judges duty	—	—	1327	16	0	1306	5	7
Apprentice duty	—	—	7607	7	4	7265	13	11
			1324155	19	11	1257115	18	4

Stamp Office,
March 23d, 1789.

J. LLOYD, Pro Comptroller.

1789; distinguishing each Year, viz.

	From 5th Jan. 1786, to 5th Jan. 1787.	From 5th January 1787, to 5th January, 1788.	From 5th January, 1788, to 5th January, 1789.
	£. s. d.	£. s. d.	£. s. d.
Deficiency of Malt Duty	169675 17 4½	267938 2 2½	166125 17 9
Ditto of Land Tax	239730 7 4	169359 1 2½	194604 13 4½
Ditto of Coinage Duty	8501 4 1	8499 8 5	
Ditto made good by Parliament	14939 5 0¼		
For defraying the extraordinary expences attending the prosecution of offenders against the laws relating to the coin	1681 18 4		1394 6 8
Deficiency of grants	127138 3 2½	240324 19 10½	63671 18 2½
For roads in Scotland	5784 0 0	7234 0 0	4000 0 0
For African forts	13000 0 0	13000 0 0	13000 0 0
For Somerset House	25000 0 0	15000 0 0	25000 0 0
For Civil establishment of Nova Scotia	3851 17 6	5851 17 6	5845 6 0
Ditto of St. John's in America	1900 0 0	1900 0 0	1900 0 0
Ditto of New Brunswick	4300 0 0	4300 0 0	4300 0 0
Ditto of Cape Breton	2100 0 0	2100 0 0	2100 0 0
For Commissioners of Public Accounts	9000 0 0		
For salaries to the Officers of the Bahama Islands	2660 0 0	4380 0 0	4080 0 0

For the Chief Justice of Bermuda, and other Officers	580	0	0	580	0	0
For purchase of lands in St. Vincent's	6500	0	0			
For completing the purchase of the soil of the Bahama Islands	6356	0	0			
To Joseph Lodin du Mauvoir, for payment of the value of his ship Le Grue, taken by Governor Macnamara, on the coast of Africa	4106	10	0			
To make good damages to the inhabitants of Faversham	1377	6	0			
To pay off Exchequer Bills issued for Civil List, per acts 22d and 23d George III.	180000	0	0			
To discharge the arrears and debts of the Civil List, on 5th of January, 1786	30000	0	0			
For a demand due to the representatives of John Ellis, Esq. late Governor of West Florida	1816	15	7 $\frac{1}{4}$			
Messrs. Borrells, for discovery of method of dying Turkey red upon cotton	2500	0	0			
To replace payments out of Civil List revenues for relief of American sufferers, maintenance of convicts on the river Thames, &c	123006	3	0			
To the Commissioners for enquiring into the claims of American sufferers	10000	0	0	112000	0	0
For the relief of American sufferers	178750	0	0			
For one year's allowance to American sufferers	55000	0	0			
For confining and transporting convicts for one year	31299	10	0			
For compensation to proprietors of land at Faversham, per act of the 23d George III.	3632	11	5			
Ditto to ditto, near Portsmouth, per act 24th George III.	12869	11	7 $\frac{3}{4}$			
Ditto to ditto, near Plymouth, ditto	17388	12	1			
Carried forward	11294445	12	7 $\frac{3}{4}$	858467	9	2
						486602 2 0 $\frac{1}{2}$

PARLIAMENTARY

A. 1789.

From 5th January 1786, to 5th January, 1787.	From 5th January 1787, to 5th January, 1788.	From 5th January 1788, to 5th January 1789.
£. s. d. 1294443 12 7½	£. s. d. 852467 9 2	£. s. d. 486602 2 0½
500000 0 0	500000 0 0	480000 0 0
12750 0 0	12950 0 0	13000 0 0
667 6 6	2394 16 0	1436 2 6
—	—	614 10 4
—	3000 0 0	2877 10 0
—	2877 10 0	1182 10 0
—	1182 10 0	1182 10 0
—	29582 11 4½	137071 9 2
—	13600 0 0	600 0 0
—	2600 0 0	101000 0 0
—	—	—
—	—	—

Brought forward —
 To pay prizes in the Lotteries —
 For expences of the Lottery (including 1000l. to the Bank) —
 For Secretary, and allowance to the Commissioners for reducing the national debt —
 Discount on prompt payments of the contributions for Lottery 1788 —
 For the British Museum —
 For civil establishment of New South Wales —
 Ditto of Newfoundland —
 To replace payments out of the civil list revenues, pursuant to addressess, for expences of the Commissioners of American claims, purchase of the island of Le Maine, &c. —
 Ditto, for payments to American sufferers for losses, &c. for maintenance of convicts, expences of Mr. Hastings's trial, &c. &c. —
 For present relief to sufferers by cession of East Florida —
 For salaries to the civil officers of East Florida —
 For the salary of the Chief Justice of Dominica —
 In full of 161,000l. desired, by address of the last session, to be issued for discharging the debts of the Prince of Wales —

An Account of the Unfunded Debt of the Nation, as it stood on the 5th of January, 1789, distinguished under its respective Heads; together with the Account of Interest annually paid thereon.

Made out in pursuance of an Order of the honourable House of Commons, dated the 17th of March, 1789.

Exchequer Bills charged on the aids, 1789 - £. 5,500,000

Viz. 2,500,000 - at 3l. 0 0 per cent per ann.

1,000,000 - at 3l. 10s. 0 per cent per ann.

2,000,000 - at 0 0 2d½. per diem.

Navy Debt - - - - - 2,251,079

£. 7,751,079

Navy Bills bear an Interest of 4l. per cent. per annum after the expiration of the first six months.

The annual Interest of the Bills become due on the 5th January, 1789, was £. 33,229 17s. 1d.

Treasury Chambers,
31st March, 1789.

THOMAS STEELE.

An Account of the Arrears of the Civil List, on the 2d of July, 1789.

	£.	s.	d.
The Amount of the Arrears of the Civil List unpaid, to the 10th of October, 1788	-	-	33,870 14 10½
Do for the Quarter ended the 5th of Jan. 1789	-	-	136,531 15 5¼
Do for the Quarter ended the 5th of April 1789	-	-	144,246 2 5¼
			<u>314,648 12 10</u>

Towards satisfying which there remained in the Exchequer, of the Civil-List Money, on the 2d of July, 1789	-	-	-	-	-	7,049 2 10
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Wanting to satisfy the above arrears on the 2d of July, 1789	-	-	-	-	-	307,599 10 -
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Treasury Chambers,
July 6th, 1789.

THOMAS STEELE.

**ISLANDS and PRO-
VINCS.**

PORTS.

Grofs Produce.

Charges of Management paid at the Port.

Charges of Management paid by Recr Genl.

**Total of
Charges.**

Net Produce.

**Efficiency of the
Rec'd to answer
the Payments.**

Island	Population	Area	Capital	Government	Religion	Language	Notes
Jamaica	3,119,135	1,071,699	Kingston	British	Anglican	English	
Barbados	1,251,117	182,444	Bridgetown	British	Anglican	English	
Antigua	772,133	180,444	St. John's	British	Anglican	English	
St. Christopher	450,718	285,100	Basseterre	British	Anglican	English	
Montserrat	56,162	137,177	Sandy Point	British	Anglican	English	
Nevis	9,404	197,100	—	British	Anglican	English	
Tortola	30,171	137,177	—	British	Anglican	English	
Grenada	832,142	197,100	St. George's	British	Anglican	English	
Dominica	670,310	285,100	Rosau	British	Anglican	English	
St. Vincent's	409,141	370,141	—	British	Anglican	English	
Bermuda	158,454	599,974	—	British	Anglican	English	
Bahama	29,774	345,109	—	British	Anglican	English	
Newfoundland	605,124	68,899	—	British	Anglican	English	
Canada	2,327,444	211,591	Quebec	British	Anglican	English	
Cape Breton	—	660,154	—	British	Anglican	English	
St. John's	—	17,800	—	British	Anglican	English	
Nova Scotia	1,328,428	289,148	Halifax	British	Anglican	English	
New Brunswick	403,114	145,428	Rosau	British	Anglican	English	

Deduct Deficiency of the Receipt to answer the Payments

Net Produce of all the Parts **_____**

2,037 7 11 1/2

5,670 18 1/4

13 12 6
99 11 9
2,037 7 11 $\frac{1}{2}$

A State of the Cash Account of the Receiver General and Cashier of His Majesty's Customs, for the year ending the 5th of January, 1789.

Received from the Collector inwards on the grand	£.	s.	d.
receipt — —	1,542,448	13	4½
from ditto on the wine receipt —	221,284	3	0
from ditto on the plantation receipt —	893,034	15	10
from the Collector of the coal duties	342,722	10	11½
from the Collector outwards —	26,555	16	0
from the Collector of the duties on wool and leather — —	415	1	6
from the Customer of cloth and petty customs — —	68	7	8
in discharge of tobacco bonds, including bonded debentures — —	1,604,829	14	0½
interest on tobacco bonds — —	22	11	9
in discharge of rice bonds, including bonded debentures — —	38,375	5	5
interest on rice bonds — —	1	10	10
on account of the 4½ per cent. duty —	27,060	0	0
from the Collectors of the out ports	1,149,932	7	5
from North Britain — —	60,000	0	0
on duties of customs arising in the plantations — — —	11,091	6	4½
on account of the 4½ per cent. duty collected in the plantations —	1,469	18	7
on the commutation act from the collectors in England —	319,713	0	2½
on the commutation act remitted from North Britain — —	7000	0	0
Total receipt —	6,245,725	2	11½

Paid for drawbacks, including debentures, applicable to tobacco and rice bonds				—	1,714,935	13	7½
as certificates for damage, over-entry, &c. including certificates for bonded rice and tobacco				—	270,451	19	0½
Portage bills				—	186	7	3
Bounties				—	309,818	16	3½
by treasury warrants, out of customs				—	61,421	7	10½
by ditto, out of the 4½ per cent. duty				—	4,035	0	0
by Commissioners orders, out of customs				—	103,905	11	7
by ditto, out of the 4½ per cent. duty				—	200	0	0
into the Exchequer				—	3,780,770	5	3½

Total payments — 6,245,725 2 11½

26th March,
1789.

Bamber Gascoyne, Receiver General.
J. Dalley, Dep. Supervisor of the Receiver General's Payments.

An Account of the Gross and Net Produce of all the Taxes under the Head of Excise (in England) together with the Totals, to the latest Period to which the same can be made up; viz. from 5th July, 1787, to 5th July, 1788.

DUTIES.	Gross Produce.			Net Produce.		
	£.	s.	d.	£.	s.	d.
Beer - - - - -	1,903,520	12	8	1,676,712	19	8 $\frac{3}{4}$
Vinegar - - - - -	18,693	2	9 $\frac{3}{4}$	18,692	19	1 $\frac{3}{4}$
Metheglin, or Mead - - -	165	8	10 $\frac{1}{4}$	165	8	0 $\frac{1}{4}$
Foreign Spirits - - - -	758,055	11	6 $\frac{3}{4}$	725,846	4	—
British Spirits - - - -	502,698	5	8 $\frac{1}{2}$	482,278	16	11 $\frac{3}{4}$
Sweets - - - - -	8,185	5	4 $\frac{3}{4}$	8,058	18	3 $\frac{3}{4}$
Cyder, Perry, and Verjuice	14,331	11	5 $\frac{1}{4}$	12,643	15	6 $\frac{1}{2}$
Malt, Cyder, and Mum, per annual Malt Act,	£.675,899	12	6	1,298,750	7	5 $\frac{1}{4}$
Malt, perpetual	£.1,091,718	12	10 $\frac{1}{4}$			
Hops - - - - -	42,259	6	7 $\frac{1}{4}$	29,648	17	— $\frac{1}{4}$
Candles, and Licences to Makers of Wax and Sper- maceti Candles - - -	321,151	9	9	287,406	17	4 $\frac{3}{4}$
Soap - - - - -	346,576	9	10 $\frac{1}{2}$	298,870	3	11
Paper - - - - -	76,919	1	7 $\frac{1}{2}$	65,126	2	—
Printed Goods - - - -	256,403	18	6	150,321	8	8
Wire - - - - -	3,196	10	9 $\frac{1}{4}$	2,369	18	4
Starch - - - - -	82,295	11	3 $\frac{3}{4}$	75,548	14	9
Hides and Skins - - - -	242,386	7	1 $\frac{1}{4}$	215,466	18	4
Cocoa Nuts and Coffee - -	30,107	10	4 $\frac{1}{4}$	28,173	11	9 $\frac{1}{2}$
Tea - - - - -	477,233	12	3	435,555	11	2 $\frac{1}{4}$
Plate Licences - - - -	8,226	7	—	7,495	6	3 $\frac{3}{4}$
Spiritous Liquor Licences -	71,142	13	8 $\frac{1}{2}$	69,039	16	9 $\frac{3}{4}$
Do. commenced 6 July, 1787	92,818	15	1 $\frac{3}{4}$	91,605	5	8 $\frac{1}{2}$
Glass - - - - -	168,883	9	4 $\frac{1}{4}$	124,522	19	3
Auctions and Auctioneers -	57,358	7	5	54,328	16	8 $\frac{1}{4}$
Coffee, &c. Licences - - -	12,114	1	3 $\frac{1}{2}$	11,728	2	8 $\frac{1}{2}$
Bricks and Tiles - - - -	100,451	15	9 $\frac{1}{2}$	98,382	5	10 $\frac{1}{2}$
Licences to Makers of, and Dealers in, Excise Com- modities - - - - -	44,174	16	11	43,051	18	6 $\frac{1}{4}$
Per cent. Duties on Licences	12,935	8	7 $\frac{1}{4}$	12,039	14	5
Coaches built for Sale, and Licences to Coach Makers	2,436	3	—	2,171	17	3
Wine - - - - -	318,610	9	7 $\frac{1}{4}$	186,429	9	4 $\frac{1}{2}$
Total - - - - -	7,740,950	9	10 $\frac{1}{4}$	6,514,432	16	5 $\frac{1}{2}$

Office, London, March 19th, 1789.

James Webb, Accomptant General.

An Account of what Arrears of Land Taxes were standing out at Michaelmas 1778, with the Names of the respective Receivers in whose hands the said arrears remain, and what proceedings have been had to compel the payment thereof.

COUNTIES.	RECEIVERS.	Arrears in the Receivers' hands.		
		£.	s.	d.
Bedford —	John Miller —	5448	14	5
Berks —	John Deane —	4763	3	7
Bucks —	George Rowland Minshull	5945	8	7
	Philip Box —	4584	11	9
Cambridge and Ely —	Christopher Pemberton —	5763	17	0
Chester —	Henry C. Cotton —	6148	5	0
Cornwall —	Charles Rashleigh —	5602	9	11
Cumberland and Westmoreland —	Matthew Atkinson —	1965	10	6
Derby —	Samuel Crompton —	6456	13	9
Devon —	Daniel Hamilton —	5059	16	10
	Richard Rose Drewe —	4613	14	3
Dorset —	Francis Steward —	5529	16	1
Durham and Northumberland —	William Surtees —	693	0	2
York —	Marmaduke Constable —	Nil.		
	George Cooke —	4673	7	9
Essex —	Robert Andrews —	3721	19	10
	John Yeldham —	6508	7	4
Gloucester —	Sir John Guise —	8898	2	7
Hereford —	John Cam —	6859	2	8
Hertford —	John Balchen West —	4357	9	7
Huntingdon —	Owsley Rowley —	11310	15	10
Kent —	Sir Brook Bridges —	4173	1	10
Lancaster —	John Gregson —	2125	15	5
Leicester —	Rogers Ruding —	8242	19	7
Lincoln —	Thomas Fydell —	9443	13	3
	Bartholomew Claypon —	6781	3	9
London, Middlesex, and Westminster —	Richard Howard —	Nil.		
Monmouth —	Paul Morgan —	4130	2	7
Norfolk —	Roger Kerrison —	7426	6	4
	William Fisher —	5900	8	1
Northampton and Rutland —	Thomas W. Partington —	5091	11	4
		Notting-		

			£.	s.	d.
Nottingham	—	George Mafon	1956	13	0
Oxford	—	Thomas Walker	3765	1	3
Salop	-	Thomas Eyton	6439	19	0
Somerfet	-	{ James Coles	6611	8	6
		{ Charles Hutchings	4099	0	11
Southampton	-	John Jennings	6255	4	4
Isle of Wight	-	Thomas Dickonfon	1430	9	0
Stafford	-	Francis Cobb	5761	13	7
Suffolk	-	{ James Oakes	4612	10	4
		{ John Spink	5790	17	8
Surrey	-	Joseph Shaw	2495	12	9
Suffex	-	William Mitford	6166	2	3
Warwick	-	Thomas Little	4376	5	5
		Bryan Troughton	3367	8	2
Wilts	-	{ Thomas Phipps	3261	12	5
		{ Edmund Wilkins	4570	10	1
Worcester	-	Joseph Berwick	6360	7	6
Wales, North	-	{ Bell Lloyd	3865	4	11
		{ John Herbert	3783	6	6
Wales, South	-	Peter du Boiffon	4659	10	0
Glamorgan	-	Edmund Traherne	4090	6	7
King's Household	-	John Fanshawe	74	10	0
Scotland	-	Hon. Keith Stewart	44396	17	11

N. B. No proceedings have been had against any of the Receivers,
as these arrears have been since all paid.

Office for Taxes,
26th March, 1789.

John Trenchard,
George Blount,
Charles Dering,
J. Eames.

An Account of the number of Ships and Vessels that cleared from the Port of London to the East Indies, in the Years 1785, 1786, 1787, and 1788, distinguishing the number of vessels, number of men, (including officers) and amount of tonnage.

In the Year 1785.

N ^o of Ships	N ^o of Men	Tonnage
28	2,698	20,579

In the Year 1786.

44	4,240	32,914
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In the Year 1787.

31	3,015	24,466
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In the Year 1788.

32	3,248	26,068
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July 17th, 1789.

P. SHAW,
Register General of Shipping.

An Account of the number of Ships and Vessels that arrived in the Port of London from the East Indies, in the Years 1785, 1786, 1787, and 1788, distinguishing the number of vessels, number of men, (including officers) and amount of tonnage.

In the Year 1785.

N ^o of Ships	N ^o of Men	Tonnage
26	2,520	19,004

In the Year 1786.

30	2,776	20,903
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In the Year 1787.

36	3,486	26,119
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In the Year 1788.

34	3,117	25,923
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July 17th, 1789.

P. SHAW,
Register General of Shipping.

LAND SERVICE.

ORDINARY.

Salaries and Rents at the Tower, &c. - - -
 North Britain - - -
 Gibraltar - - -
 Jamaica - - -
 St. Christopher (1785, 6, and 7) - - -
 Antigua (1785, 6, and 7) - - -
 Dominica (1785, 6, and 7) - - -
 St Vincent - - -
 Barbadoes (1785, 6, and 7) - - -
 Grenada - - -
 Bahama Islands (1785, 6, and 7) - - -
 Quebec - - -

Grants by Parliament.	Charge of the Office of Ordnance.		Totals.		Sums unexpended.		Exceedings.
	£.	s. d.	£.	s. d.	£.	s. d.	
50,984 14 -	49,721 3 11		1,263 10 1		1,263 10 1		
2,219 6 -	2,160 15 -		58 11 -		58 11 -		
5,484 14 -	5,075 11 7		409 2 5		409 2 5		
949 10 -	949 - -		- 10 -		- 10 -		
1,642 10 -	1,355 7 9		287 2 3	59 6 3	227 16 -		
1,642 10 -	1,116 4 7		526 5 5		526 5 5		
1,642 10 -	1,131 12 9		510 17 3	109 10 -	401 7 3		
1,642 10 -	1,153 15 3		488 14 9	132 6 3	356 8 6		
1,642 10 -	1,226 - 9		416 9 3		416 9 3		
1,788 18 -	1,373 12 6		415 5 6	114 1 3	301 4 3		
1,606 - -	1,131 5 -		474 15 -		474 15 -		
3,412 8 -	2,830 16 7		581 11 5		581 11 5		

Of which

There is reserved for completing the several services voted, the execution of which has been going on in 1788.

And the following sums not liable to be called for.

Pay of Halifax	2,530	13	0	2,013	2	6	517	10	6	517	10	6
civil New Brunswick												
Off- (1785, 6, and 7	1,825	0	0	1,340	16	6	484	3	6	484	3	6
cers St. John's and												
and Placentia, in												
Artifi- Newfoundland	5,113	10	0	4,241	5	7	872	4	5	641	16	4
ers at Gambia (1784) -	237	18	0	43	6	0	194	12	0	194	12	0
Pay of Master Gunners in												
Great Britain, and of the												
Gunners at St. James's												
Park and the Tower -	13,674	5	6	13,187	11	0	486	14	6	486	14	6
Incidents at the several gar-												
rifons in Great Britain	72,000	0	0	69,897	14	10	2,102	5	2	2,102	5	2
Ordinary repairs - - -	60,000	0	0	60,000	0	0						
Repairing, &c., Barrack												
Bedding in the several												
Forts, &c. in Great Bri-												
tain, Guernsey, and Jer-												
sey - - -	20,916	18	4	14,759	11	3	6,157	7	1	1,162	18	2
Cleaning and repairing												
small arms in the Tower	8,000	0	0	7,939	14	3	60	5	9	60	5	9
Pay of the corps of Royal												
Engineers - - -	41,622	3	4	41,600	0	0	22	3	4	22	3	4
Pay of the Royal Regt. of												
Artillery - - -	441,554	6	0	423,326	16	10	18,227	9	2	18,227	9	2
Pay of civil officers, Pro-												
fessors, and Masters of												
the Royal Military Aca-												
demy at Woolwich -	7,286	4	0	7,268	4	1	17	19	11	17	19	11

Pay of Draughtsmen -	8,142	3	0	7,689	17	3	452	5	9
Pay of superannuated and disabled Men, half pay of reduced Officers, widows' Pensions, and allowances to Officers for good Services, &c.	85,047	12	11	81,813	15	3	3,233	17	8
Fees at the Exchequer, &c.	3,247	8	6	3,127	2	4	120	6	2
Auditors' and Chief Baron's Fees (1784 and 5)	626	13	4	-	-	-	626	13	4
EXTRAORDINARIES.	846,482	15	11	807,474	3	4	39,008	12	7
NEWFOUNDLAND.	16,100	0	0	16,634	17	6	-	-	-
For Repairs, Stores, current Service, and Fuel, for the Troops at St. John's and Placentia -	17,059	5	9	15,095	17	7	1,963	8	2
NOVA SCOTIA.	2,000	0	0	1,258	10	11	741	9	1
Contingencies and current Service, and for erecting Magazines and Store-houses -	12,547	16	11	13,072	18	3	-	-	-
NEW BRUNSWICK.									
Contingencies and current Service (1785-6 and 7) -									
QUEBEC.									
Contingencies and current Service -									
TOTAL	125,547	16	11	130,721	18	3	53,963	12	7

FEVERSHAM.

For repairs, building necessary works, and for improvements at the Royal powder mills (1784, 6, and 7) -

SHEERNESS.

For repairs, contingencies, &c. -

CHATHAM.

For repairs and contingencies -

For the redoubts and lines - GRAVESEND and TILBURY.

For the works and repairs - WOOLWICH.

For the extraordinary expenses at the laboratory - For re-building the wharf, (1787) -

For repairs of the barracks, &c. -

PORTSMOUTH.

For repairs and contingencies in the Division -

For improving the works at Cumberland Fort -

522 10 1 8
371 17

12002 18 10	6279 11 8	5723 7 2	5723 7 2	2673 9 10
4929 0 0	4730 3 2	198 16 10	198 16 10	
9257 0 0	9779 10 1			
12236 0 0	12607 17 8			
5197 14 2	3388 3 2	1809 11 0	1809 11 0	
8843 13 1	6170 3 3	2673 9 10		
3230 2 0		3230 2 0	3230 2 0	
3200 0 0	3200 0 0			
26167 0 0	15711 15 3	10455 4 9	10455 4 9	
15000 0 0	2381 16 3	12618 3 9	12618 3 9	

[illegible]

SHIPPING.

**For the hire of transports
(1784) - -**

8395 9 6 8571 6 10

175 17 4

REGIMENT OF ARTILLERY.

For contingencies	-
For relieving the artillery in foreign garrisons (1785, 6, and 7)	-

20000 0 0 | 25390 7 11

5390 7 11

5000	0	0	8970	6	5
------	---	---	------	---	---

3970 6 5

NORTH AMERICA.

**For staff, and contingencies
of the trains of artillery
(1784) . . . -**

866 5 6 1262 17 0

396 11 6

WALTHAM ABBEY.

For current expenses(1787)	-
For small arms	-
For stores	-
For saltpetre	-

—			
22093	11	0	
27872	13	4	
9000	0	0	
			1350
			16
			4
			5
			6
			7
			7
			0

12864	4	7
11157	5	9

1350 16 4

Total land service

1475668 3 93 1366785 7 93

149526 12 8

109461 I

40065 11 8

40643 16 8

Besides the aforesaid Grants, the following sums have been received
by the Treasurer, viz.

On his voluntary account — — —
Cash received to vacate imprests — — —

Deduct—The amount of the voluntary account, which is included
in the account of debt to 31st December, 1783 — — —

Office of Ordnance,
14th March, 1789.

Land.		Sea.	
£.	s. d.	£.	s. d.
63123	9 4½	13840	7 0
4074	17 10	1053	1 9
67198	7 2½	14893	8 9
14893	8 9		
82091	15 11½		
23579	13 11½		
58512	2 0		

G. C R A W F U R D,
Clerk of the Ordnance.

OBSERVATIONS on the preceding ACCOUNT.

The total sums expended amount to — — — — —
 and voluntary account, &c. — — — — —

deduct the total Exceedings, which amount to — — — — —

Total amount unexpended — — — — —

Against the above sums must be set the following articles, viz.

The sums reserved for the purposes for which they were voted, which amount to — — — — —
 the further claims on the year 1787, not included in those already brought to account, which may be estimated at about — — — — —
 the remains of the debt to 31st December, 1783, unpaid, but for which the money has been voted — — — — —

Balance unexpended on the sum of 1,752,180l. 5s. 9½d. to the 31st December, 1787,
 which remains for the disposition of Parliament — — — — —

N. B. The above accounts are as complete as every official information at present received can render them; but it is possible there may be some few small claims that have not yet appeared.

It is also to be observed, that the debt of the Ordnance, incurred during the war, as far as it could be ascertained in the year 1785, was at that time discharged by Parliament; but there being still some few outstanding accounts to that period, which have not as yet been settled, it may possibly be necessary to make a future demand for them, but it is conceived that if any, it must be very inconsiderable.

G. CRAWFURD, Clerk of the Ordnance.

	£.	s.	d.	
A. 1789.	149	526	12	8
	58	512	2	0
	<hr/>			
	208	038	14	8
	85	190	1	5
	<hr/>			
D	122	848	13	3
E				
B				
A				
T				
E	115	250	12	6
S.	<hr/>			
	75	98	0	9

	£.	s.	d.
	109	461	1
	15	00	0
	42	89	11
	6		

Account of the Gross and Net Produce of all the Taxes under the Head of Excise (in England,) distinguishing the Sums paid out of the-gross produce, to the latest period to which the same can be made up; viz. from 5th July, 1787, to 5th July, 1788.

PARLIAMENTARY

A. 1789.

	Gross Produce.		Net Produce.	
	£.	s. d.	£.	s. d.
Beer	1,903,520	12 8	1,676,712	19 8 $\frac{3}{4}$
Wine	18,693	2 9 $\frac{1}{4}$	18,692	19 1 $\frac{3}{4}$
Whisky, or Mead	165	8 10 $\frac{1}{4}$	165	8 10 $\frac{1}{4}$
Foreign Spirits	758,055	11 6 $\frac{3}{4}$	725,846	4 —
British Spirits	502,698	5 8 $\frac{1}{2}$	482,278	16 11 $\frac{3}{4}$
Stills	8,185	5 4 $\frac{3}{4}$	8,058	18 3 $\frac{3}{4}$
Brandy, Perry, and Verjuice	14,331	11 5 $\frac{1}{4}$	12,643	15 6 $\frac{1}{2}$
Malt, Cyder, and Mum, per annual Malt Act	675,899	12 6	598,399	2 10 $\frac{1}{4}$
Malt, perpetual duty	1,091,718	12 10 $\frac{1}{4}$	700,351	4 7
Stamps	42,259	6 7 $\frac{1}{4}$	29,648	17 — $\frac{1}{4}$
Indulgences, and Licences to Makers of Wax and Spermaceti Candles	321,151	9 9	289,406	17 4 $\frac{3}{4}$
Paper	346,576	9 10 $\frac{1}{2}$	298,870	3 11
Merchandise	76,919	1 7 $\frac{1}{2}$	65,126	2 —
Printed Goods	256,403	18 6	150,321	8 8
Revenue	3,196	10 9 $\frac{1}{4}$	2,369	18 4 $\frac{3}{4}$
Wine	82,295	11 3 $\frac{3}{4}$	75,548	14 9 $\frac{3}{4}$
Wool and Skins	242,386	7 1 $\frac{1}{4}$	215,466	18 4
Wool Nuts and Coffee	30,107	10 4 $\frac{1}{4}$	28,173	11 9 $\frac{1}{4}$
Wool	477,233	12 3	435,555	11 2 $\frac{1}{4}$
Wool Licences	8,226	7 —	7,495	6 3 $\frac{1}{4}$

A. 1789.

D E B A T E S.

pirituous Liquor Licences -	71,142	13	8½	69,039	16	9½
o commenced 6 July, 1787 -	92,818	15	1½	91,605	5	8½
lafs -	168,883	9	4½	124,522	19	3½
uctions and Auctioneers Licences -	57,358	7	5	54,328	16	8½
offee, &c. Licences -	12,114	1	3½	11,728	2	8½
ricks and Tiles -	100,451	15	9½	98,382	5	10½
icences to Makers of, and Dealers in, Excise Commodities -	44,174	16	11	43,051	18	6½
ercent. Duties on Licences -	12,935	8	7½	12,039	14	5
oaches built for Sale, and Licences to Coach Makers -	2,436	3	—	2,171	17	3
/ine -	318,610	9	7½	186,429	9	4½
				514,432	16	5½
	7,740,950	9	10½	34,226	11	0
Jaries -	288,638	11	7½	227,496	8	9½
iding Charges -	9,874	10	10½	496,985	19	10½
icidents -	72,060	17	9½	5,551	6	3½
ees and Charges -	1,406	19.	7	22,873	14	4
oundage, &c. -	3,090	3	8½	11,941	10	1
llowances to Collectors, &c. -	727	17	6	999	4	2½
ent for the Excise Office -	494	0	0	149	17	8½
Charges of Management -	376,293	1	1½	850,224	12	3½

G. J. Cholmondeley, D. Papillon, W. Lowndes,
W. Rurrell, St. Brooksbank, M. Whiff, H. Reveley,
J. Olmius.

xcise Office, London,
March 31, 1789.
James Webb,
Accomptant General.

A Comparison between the estimate and actual amount of the Sales of the East-India Company, from March 1786 to March 1789; also between the estimate of the Sales from March 1789, to March 1790, as formed in 1786 and in 1789.

	March and September Sales 1786.		March and September Sales 1787.		March and September Sales 1788.		March and September Sales 1789.	
	Estimate.		Estimate.		Estimate.		Estimated in Jan. 1786	
	L.	£.	Lb.	£.	Lb.	£.	Lb.	£.
Tea	2300000	2335933	2300000	2314928	2300000	2202523	2300000	2330000
Bengal piece goods (including wrappers)	1440000	1458416	1440000	1317638	1440000	987783	1440000	920000
Bengal raw silk	309000	190114	300000	298624	300000	221888	300000	300000
China ditto	92000	106201	200000	451925	200000	304794	200000	200000
Pepper	120000	177628	120000	111243	120000	118867	120000	120000
China ware, drugs, and coffee	80000	84575	80000	126673	80000	94902	80000	74700
Saltpetre and redwood	120000	101876	120000	132574	120000	101405	120000	78000
Coast and Surat piece goods	250000	97511	250000	108829	650000	221755	650000	512000
Nankeens	8000	14290	8000	12180	8000	2601	8000	12200
	4710000	4666544	4818000	4874614	5218000	4256518	5218000	4546900
	Deficient	43456	56614	Surplus.	Deficient	961482	Deficient per estimate June 1789	671100
	4710000	4874614	5218000	5218000	5218000	5218000	5218000	5218000
Surplus in the above two years			13158		Deficient in the above two years		1632582	

East-India House
8th July, 1789.

Errors excepted,
W. RICHARDSON, Accountant.

T H E
Parliamentary Register;
O R
H I S T O R Y
O F T H E
PROCEEDINGS AND DEBATES
O F T H E
HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the HOUSE,

DURING THE

SIXTH SESSION of the SIXTEENTH PARLIAMENT

O F

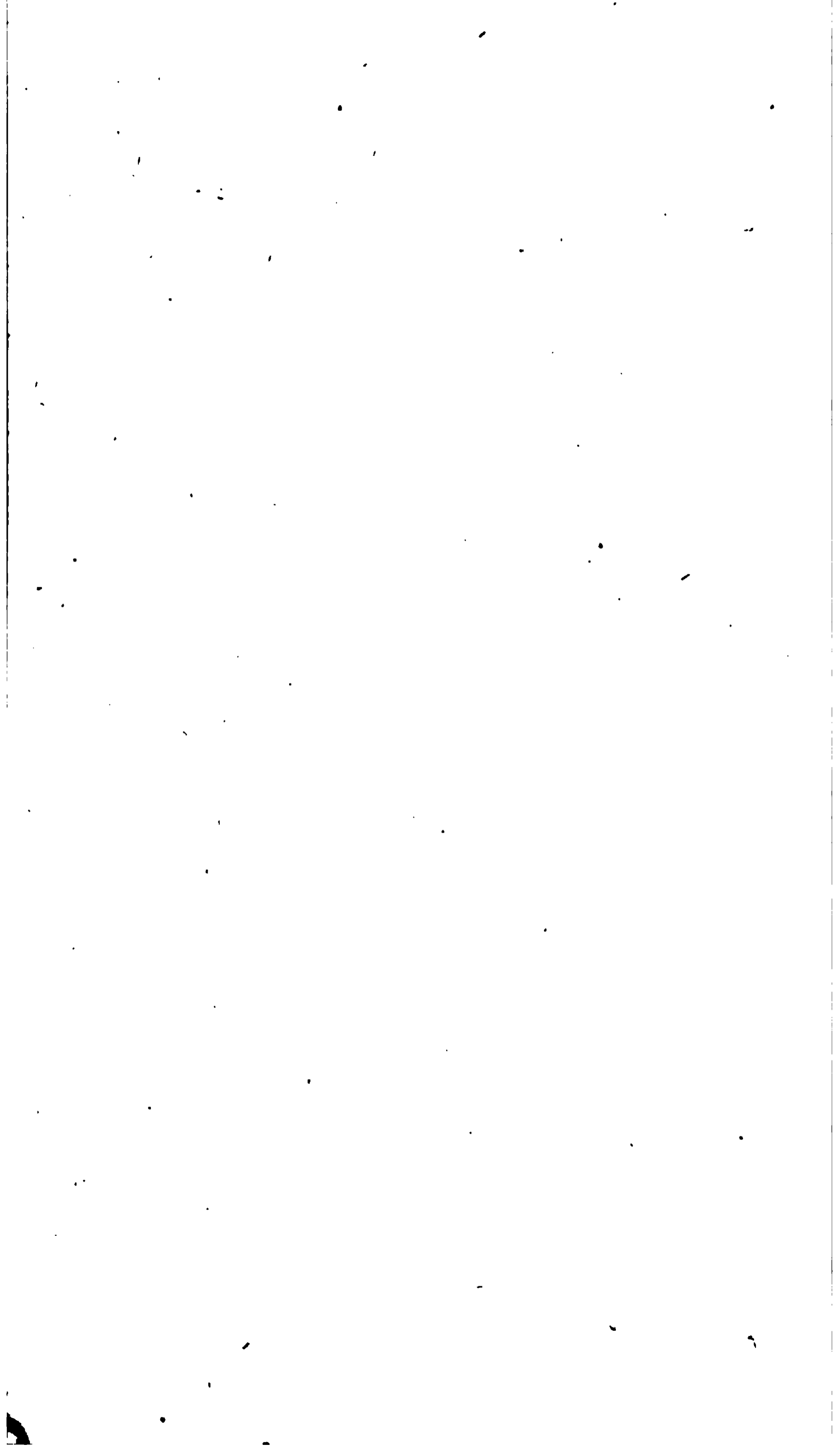
G R E A T B R I T A I N.

V O L. XXVI.

L O N D O N :

Printed for J. DEBRETT, opposite BURLINGTON HOUSE,
PICCADILLY.

M.DCC.LXXXIX.



I N D E X

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I N D E X

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THE
HISTORY
OF THE
PROCEEDINGS
DURING THE
CONVENTION
OF THE
BRITISH PARLIAMENT.

HOUSE OF PEERS.

Thursday, 20th November, 1788.

THE *Lord Chancellor* had scarcely taken his seat on the woolfack, when, rising from it, he remarked that although their Lordships were assembled in pursuance of the last prorogation, yet it had been the general practice to summon the House to meet for the dispatch of business. To account for this omission on the present occasion, he thought it incumbent on him to observe, that, from the situation which he had the honour to hold, it was his province to receive His Majesty's commands for either proroguing or summoning the Parliament, but such was the lamentable disorder under which His Majesty had become afflicted, and such the severity of his illness, that he could not approach his royal person to receive the signification of his commands. Lord Chancellor.

The Lord President of the Council (Earl Camden) observed that it had been the general practice to give forty days notice previously to the meeting of Parliament for the dispatch of business. There was no law, however, which required this, notwithstanding that it had been a custom in general adopted by His Majesty's Ministers to prevent any complaint from the House of their being taken by surprise. There were, however, several precedents in the history of this country, where in cases of rebellion, and other emergencies of State, Parliament had been summoned, on a Earl Camden.

notice of fourteen days ; and he conceived the critical situation of His Majesty's health a sufficient reason to justify the present deviation from the usual practice. He did not, indeed, find any instance in which either House of Parliament had proceeded to the consideration of any national business until the session had been opened in the usual form. It was his intention, therefore, first to move, " That the " House do adjourn until Thursday, the fourth day of December next; and if their Lordships should agree to this motion, he would then move " that the House be summoned, and that the Lord Chancellor be empowered to " write letters of summons to their Lordships, requiring " their attendance upon that day."

The motions being severally put and agreed to, *nemine dissente*, the House immediately adjourned to

Thursday, 4th December, 1788.

Lord
Chancellor.

The *Lord Chancellor* rising, begged leave to acquaint the House, that in obedience to their commands he had sent letters round to every Peer, earnestly requesting their attendance, and that he had received letters in answer from such Lords as were then absent (naming them) stating that their absence was caused by illness, and that they hoped for their Lordships' indulgence, on account of the inevitable occasion of their absence.

Earl
Camden.

The *Lord President of the Council* said, that he could not perceive without much concern that their Lordships had again been obliged to assemble, although it was not possible that any speech could, at the present period, come from the Throne. This obstacle too naturally arose from the continued infirmity of His Majesty, which still rendered him incapable of meeting his Parliament, or attending to any public business whatsoever. In consequence of the absence and incapacity of the King, the Legislature was defective and incomplete, whence all the functions of the executive government of the country were actually suspended. It was impossible for the country to remain in that condition ; and, in the maimed and dismembered state of the Legislature, it devolved on the two Houses of Parliament to make some provision to supply the deficiency, and such a provision as should be competent to the necessity of the case, but, before the two branches of the Legislature took any one step on a subject of so truly delicate and important a nature, the necessity of the case must be proved. With that view, therefore, and with that view only, the Lords of the Council had called the five physicians who attended His Majesty during his illness before the Board, and had severally examined them on oath as to the state of the King's health, and their

their opinion of the duration of his malady, and the probability of his recovery. This, (although the Lords of the Council had, as it were, lost the spring and motion of most of their consultations and functions) he conceived the Board might legally do, as the precedents of their proceedings under former similar situations of the country sufficiently evinced. It had not been deemed wise or proper that every question which on a sudden might start into the head of any individual Lord of the Council, should be put to the physicians, and, therefore, it had been settled what questions should be proposed to them, and by whom, previously to their having been called into the Board Room, and a minute of the whole examinations had been taken down in writing at the time. With the leave of their Lordships, he would present a copy of the minute of the questions which had been put to the physicians, and their answers; from which their Lordships would know authentically what was the state of His Majesty's health, and the opinion of his physicians as to the probability of his recovery.

The Question having been put that the minute be presented, it was ordered.

The Lord President then moved "That the Report be now read," which was also agreed to, and which was to the following purport:

The Physicians examined were Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Addington. The first question to each of them respectively was,

Can you inform this Board if the present state of His Majesty's disorder is such as to render him incapable of attending his Parliament in person, or of executing the duties of public business?

In answering this question, the physicians were unanimous in their opinion, that His Majesty was at present incapable of exercising any of the functions of Government.

The second question was, What is your opinion of the duration of His Majesty's malady, and of the probability of his recovery?

In answer to this, they agreed that there was a probability of His Majesty's recovery, but that it was impossible to say when.

The third question put was, Do you give this opinion from the particular symptoms of His Majesty's disorder, or from your experience in complaints of a similar nature?

To this the general answer was, that in their practice they had observed that the majority of those who were afflicted with a disease similar to that under which His Majesty laboured, had recovered.

Dr. Addington in his answer to this question was more decisive than any of his brethren. He said that he enter-

tained as sanguine hopes of His Majesty's recovery as he would of any other patient who was afflicted with a similar complaint which was not hereditary. That he had a part of his house allotted for the reception of patients labouring under such disorders, with which he was particularly conversant; that he seldom had less than eight or ten under his care, and that he never knew more than two of them who had been confined above a twelvemonth, and those two had been afflicted for several years, and were deemed incurable before he saw them.

After the Report was read,

Earl Camden moved that the same be taken into consideration on the Monday ensuing, which was unanimously agreed to, and the House adjourned.

Monday, 8th December.

Marquis
of Staf-
ford.

The Marquis of *Stafford* rose and desired that their Lordships would please to permit him, during the absence of the President of the Council, to call their attention to the proceedings of their last meeting relative to the melancholy situation of His Majesty's health. The report of the examination of the physicians before the Privy Council had been submitted to their investigation, and they were met to determine whether they could rest satisfied with that examination, or whether they would appoint a Committee of their own to re-examine them. For his own part, though his mind was perfectly made up concerning the subject, yet, as he understood that doubts had been entertained of the propriety of their Lordships receiving the report from the Privy Council, he was willing to meet the sense of the House on that question, by moving that a Select Committee should be appointed to examine the two physicians who had been called to attend His Majesty since the former examination, and also to re-examine those physicians who had come before the Privy Council, and whose report was then before the House.

Duke of
Norfolk.

The Duke of *Norfolk* said, that he thought the report already made by the physicians concerning the melancholy state of His Majesty's health, which they agreed in pronouncing to be such as to incapacitate him from exercising the duties of his situation, sufficient, as to the mere point of information. It was necessary, however, before their Lordships could ground any motion on that report, that it should be authenticated either at the bar, or before a committee of their own number.

Marq. of
Stafford.

The Marquis of *Stafford* trusted that the House would agree with him in thinking that the examination ought to be before a Committee, rather than at the bar of the House. It was a subject of such delicacy, that too much precaution could

could not be taken, nor too much decorum observed in their proceedings, lest they should wound not only the feelings of the Royal Family, but, he would add, the feelings of a whole kingdom.

The Earl of *Derby* remarked that as the sole point in view was the attainment of the truth, it became most certainly the duty, as he had not a doubt but that it was the feeling of every noble Lord in the House, that the utmost decorum should be observed in the investigation of a subject of so much delicacy. He, however, certainly thought that the House could not receive the report from the Privy Council in its present shape, because it was absolutely necessary that they should re-examine the Physicians by a Committee of their own, before they could proceed to the consideration of it. It was the invariable practice of their Lordships, even in receiving a bill from the other House of Parliament, to call evidence, *de novo*, to their own bar, because they never admitted as proof the examination of witnesses taken elsewhere. In the present case it was the more necessary, as the House ought to know what had been the state of His Majesty's health since the former report was made.

Earl of
Derby.

Lord *Portchester* observed, that with all his readiness to admit the great delicacy of the subject, he could not avoid contending that it was of such infinite importance that their Lordships ought to be very cautious how they gave their sanction to precedents which he conceived to be highly dangerous. The noble Marquis who began this conversation had said, that though his mind was satisfied, yet he was willing to meet the general sense of the House, by moving for the appointment of a Select Committee to re-examine the physicians. He, for one, could not admit the idea of their Lordships receiving a report from the Privy Council in any shape. It was the absolute and inherent right of that House to insist and to demand such an examination before they could move a single step in the business. With respect to the examination which had already taken place, it had gone much farther than, in his opinion, was necessary. The physicians had unanimously declared, that His Majesty was, now, unfit for exercising any of the functions of the executive government—that circumstance alone was sufficient to enable the other two branches of the Legislature to supply that deficiency. It was not necessary to enter at all into the question of the probability of His Majesty's recovery. The present object was to provide an effective and adequate power for those duties which His Majesty was at this period unhappily incapable of exercising.

Lord Port-
chester.

Lord *Loughborough* defended, what he called, the un-

Lord
Loughbo-
rough.

proof

at least of the gentleman he had alluded to, he thought would be both prudent and judicious.

Earl Camden. Earl *Camden* thought that there was no necessity of immediately proceeding, on account of the medical gentleman alluded to, because that gentleman would not probably be detained any length of time, and instantly would return again to Kew.

Marq. of Stafford. The Marquis of *Stafford* observed, that it was impossible to proceed immediately to business, as several of the Peers who formed the Committee were not present; and he differed entirely with the noble Viscount, as to their not being able to go through the whole at one sitting.

Viscount Stormont. Viscount *Stormont* observed, his opinion was founded upon a report, a vague one, he admitted, that the Members of another place, who were employed on a similar business, had made but very little progress.

Notice was then given to the House, that the physicians attended, agreeably to their Lordships' summons, and, upon motion, they were ordered to be called in and sworn; which was done in the following order: Dr. Warren, Sir George Baker, Dr. Gisborne, Sir Lucas Pepys, Dr. Reynolds, Dr. Addington, and Dr. Willis.

Thursday, 11th December.

The Report from the Committee appointed to examine the physicians who have attended His Majesty during his illness, touching the state of His Majesty's health, was made by the Lord President; and, upon motion, was read by the clerk, as follows:

By the Lords' Committee, appointed to examine the physicians who have attended His Majesty during his illness, touching the state of His Majesty's health.

Ordered to report,

THAT the Committee have met, and examined the several physicians who were sworn for that purpose at your Lordships' bar; and the evidence given by them before the said Committee was as follows:

Doctor FRANCIS WILLIS called in, and examined.

You are desired to acquaint the Committee, whether the state of His Majesty's health is such, as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

Certainly not capable.

What are the hopes you entertain of His Majesty's recovery?

If it was any common person, I should scarce doubt of his recovery ; I have great hopes of His Majesty's recovery ; but I am afraid it may be retarded by his recollection of his present indisposition.

Can you form any judgement or probable conjecture of the duration of His Majesty's illness ?

I cannot ; either judgement or conjecture.

Is His Majesty's recovery more probable or not ?

A great deal more probable.

What degree of experience has Dr. Willis had himself, or does he know others to have had, in this particular species of disorder ?

I have had a great deal for twenty-eight or twenty-nine years.

Have you considered this kind of disorder under which the King labours as liable to be classed under different species ?

In my answer to that, I am apprehensive it would describe the sort of disorder more than your Lordships would chuse : His Majesty's disorder is attended with symptoms of violence and acuteness. Another species of this indisposition is attended with lowness of spirits and despair ; the latter of which is the most difficult to be cured.

Whether the disorder is not of a different species, when occasioned by external causes, or when it is not to be traced back to such causes ?

We must judge of the species of a disorder by the symptoms : but when we know the cause is from a blow, from excesses of any kind, from sudden frights, from watching, from too great attention to business, or any sudden misfortune, the cure will be brought about, in all probability, by an attention to what we judge to be the cause.

Have you taken such observation of His Majesty's illness, as to trace it to any of these causes ?

I have attended His Majesty so short a time, I can only form a guess, or hazard an opinion, from what I am told of His Majesty's mode of life ; therefore, I would not have your Lordships imagine I presume to give it as a positive opinion : but from a detail of His Majesty's mode of life for twenty-seven years, I should rather think that His Majesty's indisposition has been brought about by using very strong exercise, taking little sustenance, watching, or want of sleep, perhaps when his mind was upon the stretch with very weighty affairs ; and I am the more inclined to think I may guess right, because the medicines that were to meet with such causes, which were ordered on Sunday last, have had the effect that I could wish.

Have any favourable symptoms of convalescence taken place since you attended ?

His Majesty's nerves are less irritable, which must precede convalescence.

Do you regard that as a favourable symptom?

Yes.

Whether any actual cessation of the disorder has obtained since you attended the King?

His Majesty is much calmer, eats and drinks, takes medicines, and goes to bed quietly.

Do you consider that, or any other symptoms you have observed, as a cessation of his disorder?

As a partial, not a total cessation.

How long have you attended His Majesty?

From Friday morning last, at about ten or eleven o'clock.

How soon have patients under your care, affected with a similar disorder, usually recovered?

If I am called in within three months, from three months to fifteen or eighteen months: sometimes they recovered much sooner than three months, two months, six weeks, or one month: I have had some two years under my care, and recovered afterwards. I cannot presume to form any opinion as to the time.

What do you understand by recovery?

To be perfectly well and fit for business in all respects, as he was before.

Do you make any distinction betwixt complete and temporary recovery?

As complete a recovery as if it was from an ague, fever, or cold, with proper attention to his mode of life.

In the course of your experience, has it happened that persons recovered by you have come a second time under your care?

They have: but I do not think that they are more likely to relapse into such an indisposition, than any one is into a violent fever.

Whether, when you have sent a person out as cured, and that person returns under your care again, you consider that as a new disorder, or a relapse?

If a long time intervenes, I consider it as a new disorder.

What do you call a long time?

Three or four years.

Whether short of that, you look upon it as a relapse or a cure?

If it was within a year, I should call it a relapse.

Within what time, as near as you can recollect, the majority of patients dismissed by you as cured, whom you say have returned again under your care, have returned?

I have had them return from one to eighteen years, but cannot speak as to majorities.

Doctor RICHARD WARREN called in, and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming to his Parliament, or of attending to any kind of public business?

Incapable.

What are the hopes you entertain of His Majesty's recovery?

The hopes must be determined by the probability of cure, and that can be judged of only by what has happened to others, by which I find that the majority of those who have been disordered in a manner similar to His Majesty, have recovered: but I do not mean by the word "similar," His Majesty's particular disorder, but that disorder in general.

Can you infer from thence, that it is more probable that His Majesty will or will not recover?

That it is more probable that he will recover.

Does Dr. Warren apply this to the particular case of His Majesty, or to cases in general?

To cases in general.

Can you form any judgement, or probable conjecture, of the duration of His Majesty's illness?

No.

Whether, so far as experience enables Dr. Warren to judge of His Majesty's disorder, he thinks it more probable that His Majesty will or will not recover, so as to render him capable of public business?

I have no data sufficient to ground an answer upon this question.

Whether there has been any cessation of His Majesty's disorder since you attended him?

No.

Are there any signs of a returning understanding?

No.

Since you was examined last at the Privy Council, have there been any more favourable symptoms of His Majesty's recovery?

There are no symptoms of this disorder, but the single one of want of understanding. The words and the actions of persons under this disorder are accidental, and depend upon the difference of the persons themselves. A man that has a variety of ideas, will talk and act very differently from one who has fewer ideas, or has led a different course of life: His words and actions will be determined by the peculiarity of the man, and not by the distemper. Under this explanation the symptoms are more favourable.

Is the probability of His Majesty's recovery of his understanding varied or affected any way by the actual duration of his illness?

The probability of cure diminishes as the time of the disorder lengthens.

Has this disorder continued so long, as to enable you, from thence, to pronounce upon the probability of his recovery?

No.

How long have you attended His Majesty?

I saw him first on the seventh of November.

Whether there has been any difference of opinion amongst the physicians, as to the nature of the case?

It has been the custom of His Majesty's physicians, from the day that I went first to Windsor, to put down in writing a description of the state of His Majesty's health every evening, and for each of them to sign the paper; by which it will appear that there never was any difference of opinion among the physicians, with respect to the case as it is put. This was continued daily till His Majesty came to Kew.

Sir GEORGE BAKER called in and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

The state of His Majesty's health is such as to render him incapable of any public business.

What are the hopes you entertain of His Majesty's recovery?

The hopes I entertain of His Majesty's recovery, are founded upon an idea of its being probable. That idea of probability is suggested to me by past experience, as well original as that of other physicians, in cases similar to that of His Majesty.

Can you form any judgement, or probable conjecture, of the duration of His Majesty's illness?

I can form no judgement, or probable conjecture, of the duration of his disorder.

Has there been any cessation of the disorder since you first attended His Majesty?

There was a cessation of the disorder since my first suspicion.

At what period did you first suspect the nature of his disorder?

In the evening of Wednesday, October the 22d last.

What length of time did that cessation continue?

I conceived the suspicion that evening; and the next morning, when I visited His Majesty very early, he appeared to me

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D E B A T E S.

me to be perfectly well. On the Monday following I saw His Majesty at Windsor, and then saw more signs of the disorder.

Has there been any cessation since Monday, October the 27th?

None.

At this period of time do you see any signs of a returning understanding?

I see none.

Did you see His Majesty between the 23d and the 27th of October?

I saw His Majesty on the 24th and 25th of October, and I saw him again on the 27th, when he had a degree of his present disorder, but in nothing like the state in which it has appeared since.

Had His Majesty been afflicted with any bodily disorder immediately preceding the 22d of October?

On the 17th of October, His Majesty was attacked by a disorder in which I had once before seen His Majesty, and to which I understand he had been very subject: that disorder I conceive to be biliary concretions in the gall duct.

How long did he continue in that illness?

It lasted the greatest part of the 17th.

Did it last any longer, or did it take a different turn?

It returned twice on Monday and Tuesday following; on Monday it was not so severe, and went off very soon; on Tuesday it was very trifling.

Is it your opinion that His Majesty's present malady has been caused by, or has any relation to, his previous disorder?

It is not my opinion that His Majesty's present malady has any relation to his previous disorder.

Had not His Majesty a rash previous to Friday the 24th of October?

On Friday, October the 17th, in the course of that day, it was mentioned to me that His Majesty had had a rash, and upon that account his skin was examined, and there did appear some marks of there having been a rash, which had spent itself.

Have not you heard that His Majesty, during the time that the rash was upon him, wet his feet, and sat in wet stockings?

I was informed, that on Thursday the 16th, His Majesty rose very early, and walked more than four hours; and afterwards went to St. James's without having changed his stockings, which were very wet.

Did not you understand the rash had been checked by His Majesty having sat in wet stockings?

It

It was so imagined.

By whom?

By some in the family.

Can you say that a rash, so checked, may not have been the occasion of His Majesty's present disorder?

I can only say that it is not my opinion; for I conceive that if His Majesty's present malady is supposed to be occasioned by the checking of the rash, the effect would have followed the cause more immediately.

Whether His Majesty's legs swelled after it was imagined the rash was checked?

The 18th of October the left foot was a little inflamed, and in consequence swelled; afterwards the right foot.

Did the swelling of the legs go off upon the present disorder coming on?

It had gone off before the present disorder.

How long before?

About two days.

Were both the King's feet without swelling on the 24th?

I think he left off both his great shoes on the 23d: he was lame and in pain in the muscles of his legs with the rheumatism on the 24th.

In what degree was he disordered on the 24th?

He had had a restless night on the Thursday; and when I saw His Majesty on Friday morning, he was low spirited, and complained much of the necessity of going to the levee. He complained all along of pains in the muscles of his thighs and legs, as he does also at present.

Have those pains in his thighs continued all along?

From the beginning.

Have those pains any relation to His Majesty's present illness?

I think not.

Was it your opinion that the rash was struck in?

It is not my opinion.

Sir LUCAS PEPYS called in and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending any kind of public business?

He certainly is incapable.

What are the hopes you entertain of His Majesty's recovery?

The hopes of His Majesty's recovery arise from the general consideration, that the majority of those afflicted with the same or similar disorder under which His Majesty now labours, do recover.

Can

Can you form any judgement or probable conjecture of the duration of His Majesty's illness?

I can form no such conjecture.

Is His Majesty at times composed and quiet?

Frequently is.

Does his disorder abate during those periods?

Not in the least.

Doctor HENRY REVELL REYNOLDS called in and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

His Majesty is incapable of attending to any public business.

What are the hopes you entertain of His Majesty's recovery?

I think there are well-founded hopes of His Majesty's recovery.

Can you form any judgement or probable conjecture of the duration of His Majesty's illness?

No, I cannot.

Upon what do you found your hopes of His Majesty's recovery?

Upon general experience; as the greater number of those afflicted with the same malady with His Majesty generally recover.

Doctor ANTHONY ADDINGTON called in and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?

I have not seen His Majesty this week past; but at that time he was certainly incapable of attending Parliament, or doing any public business.

What are the hopes you entertain of His Majesty's recovery?

I have very great hopes of His Majesty's recovery.

Upon what foundation do you build those hopes?

I never yet have heard that His Majesty has had any disorder whatever, from which I could infer that he could not recover; and by recovery, I mean so as to be able to attend his Parliament, and attend any other business as well as ever he did; but I think there are hopes in my mind, from some circumstances that I had not taken notice of before. I never heard

heard that His Majesty was melancholy previous to his present indisposition ; and I do not recollect an instance of any patient who required a longer time to be perfectly cured than one year, who had not laboured under a pretty long and very considerable melancholy previous to his confinement.

Can you form any probable judgement of the duration of His Majesty's disorder ?

I cannot.

In what time have these disorders generally been cured ?

It has been my good fortune to see none who have not been cured within a year ; sometimes in four months from the time they came under my care, unless they were deemed incurable by the best judges before they were sent to my house.

Is it your opinion, that all disorders of the mind, not preceded by melancholy, have been cured within the year ?

All the disorders within my practice, except as before, have been cured within the year ; and I should think that such disorders would be curable within the year, unless they proceeded from some immoveable cause, such as the enlargement of the bone pressing upon the sensorium, or other similar causes.

Doctor THOMAS GISBURNE called in and examined.

You are desired to acquaint this Committee, whether the state of His Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business ?

I think him absolutely incapable.

What are the hopes you entertain of His Majesty's recovery ?

As those in similar circumstances have often recovered, I hope His Majesty will.

Has a majority of them recovered ?

They have.

Can you form any judgement, or probable conjecture, of the duration of His Majesty's illness ?

I think that cannot be ascertained.

This Report was ordered to be printed for the use of their Lordships.

Earl Camden. Earl *Camden* observed, that the examinations sufficiently evinced the melancholy situation of His Majesty's health ; and as His Majesty's physicians could not give their Lordships any satisfaction as to the time when His Majesty would recover, it was incumbent on the two Houses of Parliament, in the present maimed, impotent, and defective condition of the Legislature, to proceed to make some provision for the purpose of supplying the deficiency, and restoring energy and

and exertion to the executive Government of the country ; yet, previously to such a very important and necessary step, he should take the liberty of moving for a Committee to search for and report precedents of the proceedings in similar cases, or cases at all analogous to the present, in order that having fully before them what the wisdom of their ancestors deemed necessary modes of proceeding in cases of difficulty and danger, they might meet the necessity of the moment under circumstances of the greater safety. The propriety of such a motion was so obvious, that he should have conceived that no possible objection could have been offered to it, but that it would have passed as a motion of course ; he had, however, heard of an idea which had been started in another place, where it was declared to have been founded in common law, and in the spirit of the Constitution. If such was the common law, and such the spirit of the constitution, it was wholly unnecessary for the House to give themselves the trouble of searching for precedents, because the idea to which he alluded, put an end at once to their power of deliberation on the subject. The idea was, that the Heir Apparent being of age, had a claim to assume the Regal authority, and take upon himself the administration of the Government, as a matter of right, during the period when His Majesty laboured under the disorder which rendered him unable to discharge the Regal functions. If this was the common law, it was a secret to him ; he never had entertained any such notion, nor had he, before the present occasion, either met with it in any writer, or heard it laid down by any lawyer whatever. Those who broached such a notion, would have done well to have been sure that they were right, before they hazarded so new and so extraordinary a doctrine ; because, opinions of that tendency were much sooner raised, than laid, and might involve the country in infinite confusion and disorder. The assertion of such a doctrine, however, was as strong an argument in proof of the expediency of the motion which he meant to offer, as could possibly be urged, because their Lordships, he conceived, had too much regard to their own dignity to admit themselves to be usurpers of the rights of another, without first searching and examining precedents which would convince them whether they were usurpers or not.

His Lordship moved, “ That a Committee be appointed to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the Royal authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.”

Lord
Loughbo-
rough.

Lord *Loughborough* remarked, that he was ~~sure~~ that it was unusual for any Lord to speak before a motion had been read by the noble and learned Peer on the woolsack, but on the present occasion he must claim the indulgence of their Lordships for a few moments, as he wished to declare that he had not upon his coming down to the House expected that any thing could arise to make it necessary for him to trouble the House that day. His being present was, upon his honour, purely accidental; when he left the Committee room the preceding day, he had understood that there would be nothing done farther than a motion of course, and the unusually thin attendance which there had been early in the day, and the manner in which noble Lords had come into the House, so contrary to the manner in which they had attended ever since the melancholy occasion of their meeting had occurred, all led him to imagine that there would be no discussion, nor indeed, discourse of any kind. In fact, so convinced had he been, that no debate would arise, that he had himself been the innocent cause of keeping other Lords from coming down, who would have made a point of being present, had they foreseen that any such subject as that mentioned, rather irregularly, by the noble Earl, in opening a motion, to which it bore not properly any relation, would have been introduced. When he looked round the House, he regretted exceedingly the absence of several noble Lords, and particularly of one noble and illustrious person who was most peculiarly interested in the discussion which must necessarily take place. The topic, however, having been introduced, though irregularly, he should experience the necessity of following the noble Lord's example, and delivering such of his sentiments upon it, as presented themselves to his mind at the moment, but as he was taken unawares, and must necessarily speak unprepared, he trusted to their Lordships candour and indulgence to excuse the loose manner in which he might deliver himself. As soon, therefore, as the motion was read, he would trouble their Lordships again.

The Lord Chancellor read the motion.

Lord Loughborough then proceeding, complained of the wording of the motion as vague and indefinite. It did not confine the Committee to search for any distinct, precise line of precedents, but left them at large to examine general history and report just as much, or as little as they thought proper. The expression or otherwise, was so indefinite, that no clear idea could be annexed to it; in his opinion therefore, the motion should have been differently worded, if the House expected to derive any useful or material information from the institution of the Committee. With

regard to the idea which the noble and learned Earl had mentioned as having been stated in another place; he knew not whether the noble and learned Earl's information had proved accurate, but he had heard of another assertion, a most extraordinary one indeed, which had been boldly, arrogantly, and presumptuously made elsewhere. As he found the same assertion in a miserable political pamphlet, the produce of a venal pen, he was induced to imagine that it was true that such an assertion had been made by the person and in the place where he had been informed that it was made. The assertion was, "that the Prince of Wales, the Heir Apparent to the Throne, had no more right to take upon himself the government during the continuance of the unhappy malady which incapacitated His Majesty, than any other individual subject." This assertion was founded in the idea that the Regency was elective, which he maintained could not be the case. By the settlement of the constitution, and by various statutes, the Crown of these kingdoms was hereditary, and by the 25th of Edward the Third, any person who should, by ill-advised speaking, or writing, assert the contrary, was liable to be prosecuted, and to incur the pains and penalties of a premunire. There were, he declared, but two possible cases in which the Throne could become vacant, so as to make it the duty of the two Houses of Parliament to provide for the exercise of the regal authority; the one, a total subversion of the Government by a breach of the original compact, as in the case of an abdication of the throne; the other, when the royal line becomes extinct, and the King upon his demise leaves no Heir. The case at present was widely different. The assertion that the Heir Apparent had the right to take upon himself the exercise of the Royal authority in case of the personal incapacity of His Majesty, was a doctrine undeniably founded in law. Great and alarming would prove the dangers of considering the Regency as elective. Were this case so, the two Houses of Parliament might set up a pageant of a Regent, and, in fact, assume the Government themselves, because a Regent so elected, must necessarily be the slave of his electors. The single precedent of a Regent having been appointed by an House of Parliament to be found in our history was, the horrible precedent in the reign of Henry VI. a precedent which led to the desolation and distraction of the country, and all the wars between the Houses of York and Lancaster. In that case, the House of Lords singly named the Duke of York protector, who was, of all others, the most unfit person to be invested with that power, but who had so many relations and adherents in that House, that he procured himself to be appointed protector.

From that ~~miserable~~ instance, their Lordships would see that the only branch of the Legislature, which had ever assumed the power of electing a Regent, was their own House. Were their Lordships prepared to follow the example, and would the other House consent that they should arrogate to themselves that power? The noble and learned Earl had declared, that the Legislature was, at present, maimed, impotent, and defective; it certainly was wanting its invigorating head and spring. That was another reason, which proved that the two Houses of Parliament could not elect, nominate, or appoint a Regent. By the act which provides for securing the Crown in the protestant succession; and by an act in the 13th of Charles the Second, the two Houses are prevented from making law of themselves, or doing any one Legislative act without the consent of the King. They could not make a turnpike act, and yet would it be seriously argued that they could elect a Regent? If they could do the one, they might surely do the other. If they could change the Government, or change the succession, they might give it any form they chose, appoint a Regent, nay, even appoint more Regents than one, or give it the form of a Mahratta Government. There was no saying to what an extent of infringement of the constitution the two Houses might not proceed, if they once broke through the barriers which the law and the constitution had prescribed. Besides, was it remembered that a neighbouring kingdom stood connected with us, and acknowledged allegiance to the British Crown? If once the rule of regular succession was departed from by the two Houses, how were they sure that the neighbouring kingdom would acknowledge the Regent whom the two Houses might take upon themselves to elect? The probability was, that the neighbouring kingdom would depart, in consequence of our departure, from the rule of hereditary succession, and choose a Regent of their own, which must lead to endless confusion and embarrassment. But, it had been declared that the Prince of Wales had no more right than any other individual subject. No more right? Was the Prince of Wales a common subject? Did not the law describe him to be one and the same with the King? Lord Coke expressly stated it so. Was it not as much high treason to compass or imagine the death of the Prince of Wales as the death of the King? Was it high treason to compass or imagine the death of any other individual subject? In fact, there was no comparison between the rights of the Prince of Wales, and the rights of any other individual subject, It so happened, that the two Houses were, at that time, Houses of a legal Parliament, legally summoned by the King's writs, and

and in consequence legally assembled; but, if the case had occurred in the intermission of Parliament, would any man say that it would not have been warrantable for the Prince of Wales, as Heir Apparent, to have issued writs and called the Parliament together? The Regency was hereditary, and not elective; and the Heir Apparent had a right, during the interruption of the personal exercise of the Royal authority, by His Majesty's illness, to assume the reins of Government. Lord Loughborough added, that when he made this observation, he was very far from meaning to intimate that the Prince of Wales could violently rush into the Government, but that upon the authentic notification of the King's unfortunate incapacity to the two Houses of Parliament, the Prince ought, of right, to be invested with the exercise of the Royal authority. Upon this occasion, he should beg leave to refer the House to Mr. Justice Forster's treatise on the principles of the Revolution, Mr. Justice Blackstone's chapter of his commentaries which treated of regal power, and to the productions of other constitutional writers, as well as to the speeches of Lord Somers and others, who conducted the Revolution, as the authorities by which his arguments would be found to be supported. He repeated his apology for the loose form in which he had expressed his sentiments, declaring that they were opinions, nevertheless, not lightly nor hastily adopted, but confirmed and established in his mind, after much mature and serious deliberation on the subject. Should an opportunity offer for his discussing the subject with better preparation, he would undertake as a lawyer, by a series of inferences from common law, from the spirit of the constitution, and from analogy, to the conviction of every man of common sense, the truth of the doctrine upon which he had now raised his arguments.

The *Lord Chancellor* observed, that it was impossible for him to perceive, without extreme concern, that in the progress of a business peculiarly grave and important in its nature, even the slightest appearance of either a difference of opinion, or unpleasant altercation should have arisen. Had their Lordships waited till the ultimate question came under discussion, in all probability, there would not have been found much disagreement on any side, and consequently, much of what had been said that day might have been spared. For his own part, he could not avoid declaring, that all which he had that day heard did not satisfy his mind. He wished, therefore, previously to the declaration of his opinion upon so delicate a subject, to have the full advantage of every information and every precedent which could be found, that bore any sort of analogy to the present calamitous

Lord
Chancel-
lor.

calamitous situation of the country. With regard to the doctrine which had been maintained by the noble and learned Lord who spoke last, though every point which came from a Magistrate of his distinguished situation, advanced with great force and authority, he could only say, that it was perfectly new to him, and that he had not heard it before. The noble and learned Lord had remarked, that in the eye of the law, the Prince of Wales and the King were one and the same. Would their Lordships take a metaphorical expression, and force a literal meaning upon it? His Royal Highness the Prince of Wales, most certainly was peculiarly distinguished by his rank, birth, and dignities. It ought however to be recollected, that he was, nevertheless, a subject. The noble and learned Lord had, in the course of his argument, put the case in two different points of view; he had suggested, that His Majesty's unfortunate illness might have happened in the intermission of Parliament, as well as having happened as it had done, while the two Houses of Parliament met in the usual and regular way, and the noble and learned Lord had said, in the case of an intermission of Parliament, would not the Heir Apparent have been warranted in taking upon himself to issue writs and call the two Houses together? The fact had actually happened in the reign of Henry the Sixth, when the Heir Apparent did issue writs and call the Parliament together: but what was the first proceeding of that Parliament? They passed an act of indemnity for those who advised the measure of putting the Great Seal into the hands of an infant only nine months old. He sincerely lamented that any remarks should have fallen from the noble and learned Lord, respecting Ireland, because he considered them as not unlikely; *spargere vocas in vulgum ambiguas!* Such vague and loose suggestions could answer no useful purpose, but might produce very mischievous consequences. He declared that he had every reliance on the known loyalty, good sense, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He should purposely avoid entering at all into the discussion of the important topics which had that day engaged so much of their Lordships' attention, because he considered such a discussion as premature, and did not think that the question ought to be in any degree pre-occupied. Indeed, he saw no other end which could arise from it, but affording a subject for a frivolous paragraph in a newspaper, to set idle people talking upon which side of the argument this or that noble Lord spoke, while the sensible by-stander would observe, that their Lordships had begun at the wrong end, and were discussing the conclusion before they had settled the premises.

It was unnecessary for him to use any arguments in justification of the motion, as no objection had been made against it. The noble and learned Lord had, certainly, in a most judicious and becoming manner, spoken of a Prince of Wales in the abstract, without affecting in the treatment of such a delicate subject, to rest any part of his argument on the personal virtues of the present Heir Apparent, who should always have his applause, when the expression of it would not be an act of impertinence. It was impossible to separate the natural and political character and capacity of the King, and while the Crown remained firmly fixed on His Majesty's head, the appointment of a proper Regent must prove a consummation beyond expression difficult.

Lord *Loughborough* declared, that what he had said, certainly had not originated in any wish that the sentiments of so humble a speaker as himself might appear in a newspaper. It was unnecessary for him to make any reply to the noble and learned Lord, since, as far as he had proceeded, the noble and learned Lord had admitted the facts which he had suggested. Lord
Loughbo-
rough.

The *Lord Chancellor* answered, that it had been far from his intention to impute to the noble and learned Lord any such motive for his argument of that day, as a desire to see his speech in a newspaper, that he should be ashamed to ascribe any such motive to a Member of either House, or, indeed, to any gentleman whatever. He had merely stated the consequence which might result from prematurely agitating important questions which were not yet before them. Lord
Chan-
cellor.

Earl *Stanhope* observed, that he was absent from London when the news reached him of His Majesty's unfortunate illness, and he returned to it with no other sentiment than a determination to oppose the proposition of saddling the Regent with a permanent Council, if any such proposition should have been made. But he could not sit silent and hear it denied to the two Houses of Parliament, that they had the power in case of a vacancy of the throne, or the interruption of the personal exercise of the Royal authority, to make provision to supply the deficiency. Earl Stanhope read an extract from the bill of Rights, touching the conditions on which the Prince of Orange and the Princess Mary were offered, and accepted the Crown. That declaration, he observed, was the act of the two Houses of Parliament. He next asked how the Hanover family came to the Throne? and stated different instances of the two Houses interfering with regard to the succession to the Crown, to prove that their interference was constitutional. Earl
Stanhope.

The

Duke of Norfolk. The Duke of *Norfolk* contended, that the greatest part of what had been said was foreign to the motion before the House, to which he wished to confine himself. He argued against the introduction of the words *Infancy*, and or otherwise, and wished it had been limited to sickness only, because he was sure then, that no precedent whatever could have been produced, and that such must have been the report from the Committee.

Earl Camden. The *Lord President* justified the wording of the motion, and declared that his head must be strangely illogical, if the term *infancy* was not peculiarly in point to the present occasion.

Lord Stormont. Lord *Stormont* said, that by the approbation which had been signified when the declaration that the Prince of Wales had no more right to exercise the Royal authority during His Majesty's unfortunate illness, than any other individual subject, was alluded to, he was persuaded that it was a favourite doctrine with noble Lords of a certain description, and that it was thrown out with a view to feel the pulse of the Nation. He contended against the idea of the Regency being elective, and argued that if that doctrine were admitted, it must lead to a Republic. He reminded Earl Stanhope, that his arguments on the bill of Rights and the Revolution were irrelevant, if meant to confute what had been said by a noble and learned Lord, (*Loughborough*) that noble and learned Lord having expressly mentioned, that the two Houses of Parliament could legally provide a successor to the Throne, only in two instances; one of which was, when a subversion of the Government took place by a breach of the original compact between a Sovereign and his subjects, which was precisely the case at the Revolution. He complimented the noble Earl, however, on his objection to saddling the Regent with a permanent Council, and instanced the case of Poland, to prove that the most distinguished abilities in an elective Monarch, could not prove advantageous to his people, or render his Government either beneficial or glorious, whilst he was fettered with a permanent Council. Lord Stormont declared, in the name of the Peers of Scotland, that if the two Houses took upon themselves to depart from the rule of succession, and elect a Regent, the nobles of his part of the Realm would consider the act of Union as suspended. After ridiculing the idea of setting up a competitor with the Prince of Wales, mentioning the case of the Duke de Guines, who boldly usurped the Regency of France, and speaking in terms of affectionate sorrow for His Majesty's illness, he concluded with earnestly recommending, that an address of the two Houses, intreating the Prince of Wales to

to assume the exercise of the Royal authority, and hold it during His Majesty's incapacity, should be voted and presented to His Royal Highness.

Lord *Sydney*, maintained, that during the interruption of the personal exercise of the Royal authority, occasioned by His Majesty's illness, no person, however high his rank, however distinguished his birth, had a legal claim to assume it as a matter of right. He remonstrated against the unfairness of arguing that a particular declaration must have been the declaration of a right honourable friend of his in another place, because a noble and learned Lord had met with it in what he called a miserable pamphlet, the production of a venal pen.

Lord
Sydney.

Lord *Portchester* observed, that it was extremely natural that the secrecy with which every step in relation to His Majesty's illness had been taken, the confining the examination of the physicians to a Committee of twenty one, and, although five days were allowed after the laying the minute of the Privy Council on the table, the calling upon him and other Lords, in five minutes after the examination of the physicians before the Committee of twenty one had been read, to vote for a Committee to search for precedents, should force him to regard the proceedings of Ministers on the subject with an exceedingly jealous eye. He referred to the reign of Edward the Third, when that King's son, a Minor (afterwards called the Black Prince) was declared Regent by his Father, during his absence, and he reasoned upon that and other precedents. After reprobating the motion, on account of the indefinite terms in which it was expressed, he closed his remarks, by signifying an earnest desire to be informed whether it included precedents of all transactions which had occurred during the absence of the Sovereign.

Lord
Port-
chester.

The question was put and carried.

The House adjourned.

Friday, December 12th.

When the Lord Chancellor had taken the woofsack, a Committee was appointed to inspect the lists delivered in at the table of twenty one Lords, to be appointed as a Committee, "to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the Royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

Earl *Camden* informed their Lordships, that the Committee had met, and inspected the several lists, and had

Earl
Camden.

desired him to report the following names as a Committee, viz.

Archbishop of Canterbury,	Earl Bathurst,
Lord Chancellor,	Viscount Stormont,
Lord President,	Bishop of London,
Lord Privy Seal,	Lord Osborne,
Duke of Richmond,	Lord Sydney,
Duke of Portland,	Lord Loughborough,
Earl of Derby,	Lord Walsingham,
Earl of Coventry,	Lord Grantley,
Earl of Dartmouth,	Lord Hawkesbury,
Earl of Radnor,	Lord Kenyon,
Earl of Chatham,	

Earl Camden then moved, "That the said Committee, or any eight, or more of them, do meet upon the morrow, in the Prince's Chamber."

"That no Lord but those of the Committee be present."

The Earl of Hopetoun moved, "That the report from the Committee appointed to examine the physicians, who had attended His Majesty, touching the state of His Majesty's health, be printed," which, upon the question put, was ordered accordingly.

The House adjourned.

Monday, December 15th

Earl Fitzwilliam. Earl Fitzwilliam opened the debate by entreating the indulgence of the House, should he proceed to the irregularity of bringing on a conversation, without intending to make a motion, or to state any question which would render such a conversation agreeable to form and order; but irregular as he confessed it was, he trusted that their Lordships would overlook it, on account of the momentous subject to which it referred, and the great delicacy which every one of their Lordships must confess, ought to accompany all their proceedings, upon the present unfortunate and calamitous situation of affairs. In consequence of discussions in another place, a question upon the rights of a most exalted personage, was about to be agitated; a question which he was thoroughly persuaded, could not be brought under discussion, without producing effects which every well meaning and considerate individual must wish to avoid. The public already had, in some measure, caught the alarm, and much uneasiness had been manifested upon the subject; he rose, therefore, to deprecate the discussion of any such question in that House, since he was persuaded that it would be infinitely more satisfactory to most of their Lordships, that the question might not be agitated, and he the rather deprecated the

the discussion; as it could not be in the smallest degree necessary that it should take place. It would prove a very great satisfaction to his mind, and to the minds of many who heard him, if any one of His Majesty's Ministers would rise, and assure the House that it was not their intention to bring any such question under agitation before their Lordships, as that to which he had alluded, and, in the hopes that he should be favoured with such an explanation, he would, for the present, decline trespassing any longer upon the attention of their Lordships.

Earl Camden, having premised that the moment in which he was speaking, and, indeed, every moment at present, was a moment of great delicacy, difficulty, and embarrassment, remarked, that, therefore, it behoved His Majesty's Ministers to conduct themselves with the most guarded and wary caution, and to take care that, by any premature disclosure of what steps they meant to pursue, in the present critical situation of affairs, they did not commit themselves imprudently; but, the candid manner in which the noble Earl had explained what he stated, demanded every polite and civil return in his power to make. At present, as the House well knew, a Committee of their own had been employed in searching for all the precedents which their records would afford, to guide their Lordships in such proceedings as they should think it became them to take, upon the important subject which had, ever since they met, engrossed their attention. That Committee had not yet been able to make their report, previous to the receipt of which, it was utterly impossible to advance a single step. When the report should come, it would be necessary to move to have it printed for the use of their Lordships, and then time must be allowed for their Lordships to make themselves masters of the various precedents which it contained, previous to their grounding any proceeding upon it. Were he to say no more, he should conceive that he had given the noble Earl as satisfactory an answer as the noble Earl had a right to expect; but, he thought that he might venture to go farther, and observe, that it was not the wish of Ministers to agitate more questions than were absolutely necessary. The rights of the two Houses of Parliament had been questioned, and two noble Lords, an illustrious and learned Baron, not then present, and a noble Viscount, had argued very much at large, and with great authority, against the existence of those rights. It became, therefore, absolutely necessary, that rights so essential and important should not be left unsettled and undecided, before they proceeded to the other necessary measures in the providing a Regency. But, as the noble Earl had put a question to him, would the noble Earl, in turn, give him

Earl
Camden.

leave to put a question to him? Would the noble Earl, and the other noble Lords who acted in concert with him, declare, that all question of the rights of Parliament was abandoned by them, and admitted to exist in full force?

Earl of
Carlisle. The Earl of *Carlisle* observed, that he had not conceived that either of the two noble Lords alluded to, had questioned the rights of Parliament; because, if their arguments had borne this tendency, he should have imagined that they would have objected to the appointment of a Committee to search for precedents, as altogether unnecessary, and that the House would have found itself in a very different stage of the business from that in which it stood at present.

Earl Fitz-
william. Earl *Fitzwilliam* remarked that, after having risen to deprecate the discussion of a question respecting the rights of another person, it could not be expected that he should turn short round and admit the rights of others in opposition to those rights.

Duke of
York. The Duke of *York* now rose, and observed that, perfectly unused as he was to speak in a public assembly, he could not refrain from offering his sentiments to their Lordships on a subject in which the dearest interests of the country were involved. He entirely agreed with the noble Earl (*Fitzwilliam*) and other Lords, who had expressed their wishes to avoid any question which tended to induce a discussion on the rights of the Prince. The fact was plain, that no such claim of right had been made on the part of the Prince; and he was confident that His Royal Highness understood too well the sacred principles which seated the House of *Brunswick* on the throne of Great Britain, ever to assume or exercise any power, he his claim what it might, not derived from the will of the People, expressed by their representatives, and their Lordships in Parliament assembled. It was upon this ground, that he must be permitted to hope, that the wisdom and moderation of all considerate men, at a moment when temper and unanimity were so peculiarly necessary, on account of the dreadful calamity which every description of persons must, in common, lament, but which he more particularly felt, would make them wish to avoid pressing a decision, which certainly was not necessary to the great object expected from Parliament, and which must be most painful in the discussion to a family already sufficiently agitated and afflicted. Such, His Royal Highness observed, in conclusion, were the sentiments of an honest heart, equally influenced by duty and affection to his Royal Father, and by attachment to the constitutional rights of his subjects; and he was confident that if his Royal Brother were to address them, in his place, as a Peer of the Realm, these were the sentiments which he would distinctly avow.

The *Lord Chancellor* said, that he was perfectly convinced The Lord
 that the words to which their Lordships had been the ear wit- Chancel-
 nesses, must have made the deepest and most affecting im- lor.
 pression upon their minds; and it could not but prove ex-
 tremely gratifying for them to know, that the mode which
 they should adopt upon the present melancholy occasion,
 would give the utmost pleasure and satisfaction to the exalted
 Personage, who must necessarily feel the greatest interest in
 their deliberations and decisions. For his own part, he should
 confidently declare, that no man could be more determined
 than he was to avoid having any questions brought forward
 which were unnecessary, and that he was ready to bind him-
 self by any words, or phrases, however strong, not to vote
 for any question which took any other direction than the
 straight path of the public good. Questions of right were
 generally invidious, and often unnecessary; and, on the pre-
 sent critical subject, no question ought to be brought into
 agitation, which the nature of the subject did not actually
 and absolutely demand to be discussed. The Chancellor
 reminded their Lordships of the steps which they had hitherto
 taken in the important business before them, and of the stage
 at which they had arrived, observing, that they had followed
 the same line with the House of Commons; but, it had so
 happened, that the House of Commons were in a more ad-
 vanced stage of the business. At present, their Lordships'
 Committee were employed in searching for precedents, and
 had not yet been able to make their report. When that re-
 port should come before them, they would be enabled to see
 what step ought farther to be taken, with a view to do that
 which they must all wish to see done: to restore vigour and
 efficacy to the executive Government of the country; and,
 he should suppose, above all things, to take care faithfully
 to discharge the duty of subjects, and preserve the rights of
 the King entire, so that when divine Providence should per-
 mit His Majesty to recover from his present melancholy ma-
 lady, he might not find himself in a worse situation than
 he was in before his infirmity, or disabled from the full ex-
 ercise of all his rightful prerogatives. The Chancellor add-
 ed, that he could not avoid taking notice of the eloquent and
 energetic manner in which a noble Viscount had, in their
 last debate, expressed his feelings on the present melancholy
 situation of His Majesty; feelings rendered more poignant
 from the noble Viscount's having been in habits of personally
 receiving various marks of indulgence and kindness from the
 suffering Sovereign. His own sorrow, he declared, was ag-
 gravated from the same circumstance. His debt of gratitude
 also to His Majesty was ample for the many favours which
 His Majesty had graciously conferred on him; and which,
 when

when he forgot, might God forget him! In the last conversation that had taken place in that House upon the subject, two opinions different from each other had been propounded. As these opinions ran in opposite lines, and could not be brought to one and the same point, some path between the two, he conceived, must be chalked out. What that path was, remained for their Lordships to find, and possibly, they would be assisted by some communication from the other House. It was, nevertheless, his opinion, as much as it was that of the noble Earl who had begun the conversation that day, that no question which was not absolutely necessary ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was most desirable.

Earl Fitzwilliam.

Earl *Fitzwilliam* observed, that he could not avoid taking the liberty to remonstrate against the idea of having it stated that private affection ought to govern their Lordships in an important proceeding, on which the public welfare so essentially depended. He was persuaded that the Brunswick Family would consider it as an ill compliment to them, to ground a proceeding of that magnitude on the basis of private and personal affection to the King.

The Lord Chancellor.

The *Lord Chancellor* begged leave to assure the noble Earl that he misconceived him; if he imagined that he barely rested what they ought to do in the present emergency on their private affection for the person of the Sovereign; they had heard him expressly declare it to be their duty as subjects to preserve the rights of the King entire. Not that he would have any noble Lord, or any man living, imagine that there was a shade of difference between the public allegiance and loyalty due to the Prince and the private affection and love which his subjects bore him. His Majesty, through a reign of twenty-seven years, had proved his sacred regard to the principles which seated his ancestors on the British throne, and his anxious desire, on every occasion, to maintain and uphold in all its purity that Constitution which had made its subjects a free and a happy people.

Viscount Stormont.

Viscount *Stormont* declared, that his sentiments were, in many particulars, truly congenial with those of the noble and learned Lord who had left the woolsack. He would, therefore, only detain their Lordships with stating in what he differed from that noble and learned Lord. The noble and learned Lord had stated, that two opinions had been propounded in the last debate which ran in parallel lines, and could not be reconciled and brought to one and the same point. So far from this being the state of the case, he thought that nothing could be more easy than to reconcile the one to the other. Upon this occasion, he should beg leave to remind the House, of what he had in his speech on Thursday

day last repeatedly mentioned, that the agitating the subject that day discussed, and which gave occasion for the two opposite opinions to be stated and insisted upon, was not imputable to him or to any one noble Lord, who had spoken on his side of the question. Their Lordships must all remember that the subject had been introduced by the Lord President of His Majesty's Council in a most extraordinary, and he would say, disorderly and unparliamentary manner-----

Viscount Stormont was called to order, and the House was for some seconds thrown into confusion, by different Lords rising at the same time to speak.

The Duke of *Richmond* said that he spoke to order; no Duke of question was before the House; he would therefore move, Richmond
“That the House do adjourn.”

Viscount *Stormont* observed, that Lord Sydney had called him to order; and the Earl of Derby, and several Lords near him, having repeated the words, “Lord Sydney to order,”

Lord *Sydney* declared that he was commanded by five or six Lords on the opposite bench, to speak. He lamented that the House had already betrayed a temper, which, in his mind, ill became the solemnity and importance of the subject which they were discussing. Such behaviour was not decent in such an assembly, and at such an awful moment. He knew not what offence he had given, that he should receive a reprimand; but if any noble Lord had taken offence at him, he would have them learn, from the noble Baron near him (Lord Rawdon) to the noble Viscount on the other side, that there were other ways of settling differences between one gentleman and another. He thanked Heaven, notwithstanding, that warm as he was by nature, his warmth seldom lasted long. After this indication of his return to coolness, Lord Sydney stated why he thought that Viscount Stormont had transgressed order, and he grounded this idea, he observed, upon the allusion of the noble Viscount to matter which had passed in a former debate.

Lord *Rawdon* presumed that the noble Secretary of State alluded to him, by saying, “from the Baron near him.” If so, he knew not what provocation he had given to the noble Lord to talk in such a manner. The noble Lord knew that he was not of a temper to submit to be brow-beaten any more than himself. He had been of opinion that the noble Viscount had, in the last debate, very properly reprobated the introduction of a topic not before their Lordships, which had, at the moment, given his mind very great anxiety. That topic had been introduced as the noble Viscount was stating, when he had been interrupted and called to order by the Lord President, and that in an irregular way. Lord *Rawdon* complained of introducing any discussion that was likely

likely rather to excite disagreement and difference of opinion, than produce unanimity and cordiality. He complimented the Lord Chancellor on having so expressly declared his coincidence in that sentiment, and mentioned the bills that were pasted up in the streets, with a view to call the multitude to take a part in the discussions of Parliament, and to mislead and inflame their minds by inferences grossly false and violent. He joined in deprecating the discussion of the question of rights, and said, if he stood singly on the subject, he would divide the House against its being agitated. He took notice of what Lord Sydney had said, of proper behaviour in that House, and declared, that a due regard to the rules and orders of their Lordships, and, what was still stronger, his own feelings, would prevent his becoming liable to any imputation on that head.

Earl Camden. Earl *Camden* (Lord President) declared, that he could not sit silent, and hear himself charged with having been guilty either of a crime, or, at best, a very high and censurable act of indiscretion. A noble Viscount had said, that he, in a manner equally extraordinary, disorderly, and unparliamentary, had introduced the topic concerning which they had discoursed last Thursday. He was ready to confess that he did take notice of what had passed in another place, in the course of his opening speech; but, he denied that, from the general words which he had used, any noble Lord was warranted to fix on him a charge of having spoken in a disorderly or an unparliamentary manner. Not that he meant to deny, that, by the other place, he did mean the House of Commons—he certainly did, and, if the question were put to him, whether any allusion in that House to what had passed in the other, was disorderly and irregular, he should admit that it was; but, such allusions, they all knew, though, in strictness irregular, were made every day, and overlooked, or, if noticed, done so by stating that they were disorderly, in so good-humoured a tone, that no party felt uneasy. The noble Viscount had, that day, used the word “unparliamentary,” with so angry and vehement a tone, that it seemed as if they were determined to proceed with a degree of passion and animosity, exceedingly to be lamented. He must, however, in justice to himself, deny that he was that wicked and bad man who had broached the doctrine of the rights of the Prince, in contradistinction to the rights of the two Houses of Parliament. He did not first broach the doctrine; and, therefore, he did not hold himself answerable for the consequences. Having been broached, it must be noticed, because they were engaged in a proceeding which would materially affect the liberties of posterity, and therefore nothing dark or doubtful ought to be suffered to remain untouched and

and undecided in the adjustment of so momentous a concern.

Lord *Stormont* observed, that he rejoiced over the interruption which he had received, as it ultimately gave him the opportunity of hearing so able an argument from the noble Lord near him (Lord *Rawdon*;) at the same time, he was sorry that another noble Lord should have taken offence at what he meant as a mark of personal respect. He had not had the honour of sitting in the other House of Parliament, but he had understood that the being called to order, implied a parliamentary charge, and that the rule was for the person called to order to sit down, and the other Member to state his charge of breach of order. With this view, when the noble Secretary of State had called him to order, he had sat down, and said, "Lord *Sydney* to order!" and had also interrupted a noble Duke, who, he saw, was not aware that the noble Lord who had called him to order, was on his legs. After this explanation, Lord *Stormont* next stated why he thought the two opinions that had been propounded in the last debate might be reconciled. As it was then publicly known what was the intention of Government with regard to the Regency, which he reminded their Lordships was a circumstance not known to the House when they had last discussed the subject, his opinion was, that they should forthwith proceed to declare the Prince of Wales sole Regent. At present, with a dismembered Legislature, the country stood in a situation, in which it ought to be suffered to remain as short a time as possible. As it was necessary, according to all their opinions, to proceed to practical measures, it ill became them to waste the time in agitating theoretical speculations. Of that nature was the question of right, which, in his mind, it was equally idle and fruitless to discuss. He remonstrated against delay, and asked the House, if they wished to follow the example of that whimsical set of philosophers who, when Mahomet the Second scaled the walls of Constantinople, and took the city by storm, were actually made prisoners in the act of sitting in debate upon fruitless metaphysical speculations, and frivolous inquiries. He thought it behoved them to proceed to declare the Prince sole Regent; and, as all the Royal prerogatives were allowed to the Sovereign, not for his pleasure or satisfaction, but with a view to the good of the subject, to vest the Prince with them entirely. He put the case of an affectionate father, who would wish his son's government to be prosperous; to be prosperous, it must be strong, and without every power which Government ought to possess, it could not prove either prosperous or strong. Great must be the danger of continuing without a vigorous executive Government. With re-

gard to the safety of the State from foreign enemies, he looked to the vigilance of Ministers, the force of the country, and the friendly dispositions of the neighbouring powers. His confidence in respect to external peace, was farther confirmed and fortified in his knowledge, that most of the foreign powers were, at this time, under sufficient circumstances of difficulty and embarrassinent themselves. But, a variety of reasons might be stated to prove the pressure of the moment, and the urgency of the case. He particularly pointed out the anxious and unpleasant situation of Lord Carmarthen, as Secretary of State for foreign affairs, who, for several weeks past, had not been able to forward a single instruction to any of our Ministers abroad, since it was well known all such instructions were sent in the name and at the command of the King.

Ld. Chancellor.

The *Lord Chancellor* said, that he must take the liberty to assure a noble Lord (Rawdon) that he had misconceived him; he had merely remarked, that he should be averse to the discussion of unnecessary questions. Many minute points would, of course, be brought forward one by one, and rendered subject to discussion; but, it would be in the power of any one Lord to provoke the discussions of points, which it seemed to be the general and anxious desire of most of the noble Lords who had spoken that day, to avoid. It depended, therefore, on the discretion of noble Lords themselves, that their future deliberations should assume either a complexion likely to proceed with unanimity or otherwise. If such topics as the noble Viscount had referred to, in the latter part of his speech, were insisted on, they would unavoidably compel the House to go into the discussion of every question which had been stated to be unpleasant, and likely to excite uneasiness, and difference of opinion.

Earl Stanhope.

Earl *Stanhope* expressed his anxious wish, that what the House had that day heard from a noble Duke (the Duke of York) could have been given in any way in writing, so as to have been made, in some mode or other, matter of record. It was too important a communication to be suffered to remain in fleeting words, which could not be handed down to posterity for them to grasp, and quote as a proof of the existence of an essential part of the Constitution.

Duke of Gloucester

The Duke of *Gloucester* next rose, and, after stating the peculiar unpleasantness of his own situation, and declaring that it was only four hours since he had heard that any thing was to be agitated upon the subject that day, deprecated the discussion of a question, which could only tend to produce the most mischievous consequences. He declared himself a mere individual, not influenced by party, but actuated by a sincere love of his country, and a strong sense of what he

knew would be His Majesty's feelings, were he happily to recover from his present lamented indisposition. His Royal Highness trusted, that the good sense and loyalty of a majority in each House, would yet prevent the threatened decision on this point. Perseverance in it was mischievous to the last degree, and could not be meant for the public good. For his part, he felt so strongly on the subject, that, if the attempt was persisted in, and the question brought before that House, he could only say, that he believed he should not dare to trust himself to come forward and speak his sentiments on the extraordinary conduct of those, who were unnecessarily inclined to compel a decision on so delicate a question.

Lord Cathcart observed, that the papers pasted against the walls of the public streets, and alluded to by a noble Lord, were not the only attempts of the kind to inflame the minds of the multitude. Other papers, replete with violence and falsehoods, and calculated to misrepresent the conduct of Ministers, and make it appear that one of them brought himself forward as a competitor with the Prince of Wales, had been first pasted up and distributed through the cities of London and Westminster. Lord Cathcart.

Lord Cathcart concluded with moving to adjourn.

The Lord Chancellor then put the question, and the House adjourned.

Tuesday, 16th December.

The Earl of Abingdon rose, and said, A noble Lord, in the conversation of yesterday, having said, that if the question of right respecting the Regency of the Prince of Wales was brought forward in this House, he would divide the House against it, if he was the single Lord to do so, in order that his conduct might remain upon record; I rise to give notice to your Lordships, that it is my intention to bring forward the question on any day in the next week that your Lordships shall think fit to name, and to divide the House upon it, if I am the single Lord to do so, and for the very same reason that the noble Lord gives, that my conduct might appear upon record for having so done. Earl of Abingdon

My Lords, it is a question that the two Houses of Parliament demand the decision of. It is a question that the King calls for. It is a question that the Lord Chancellor of England, as the keeper of the King's conscience, is bound in duty to have brought forward. It is a question that the nation demands. It is a question due to posterity. It is a question I lament to find that any part of the House of Brunswick should shrink from.

Ld. Chancellor. The *Lord Chancellor* observed, that it would prove, in some degree, an infringement of order, to fix on any day for the discussion of this subject, however important, until the report of precedents should first be made. That report was not yet ready; and he submitted to the noble Earl the propriety of postponing the appointment of a day for the discussion of either of the questions which were to come on, until that report should be received.

The House adjourned.

Wednesday, 17th December.

The Lord President of the Council brought up the Report from the Committee who had been appointed by the House in the course of the preceding week, "to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the Royal Authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

The Report was then read by the clerk, and ordered to lie on the table*.

It

* *Rather than break in too extensively upon the connected nature of this work, we flatter ourselves that the reader will deem it quite sufficient, should be furnished with only the*

REFERENCES to the Extracts from the Rolls of Parliament, and other papers, read at the Committee appointed to examine and report precedents of such proceedings as may have been had in the case of the personal exercise of the Royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide a remedy for the same, on Thursday the 11th of December.

4, 5, 6	Edw. III.	Vol. ii.	page 52,	Two first paragraphs.
1	Rich. II.	— iii.	— 5,	Sec. 15 to 27, both inclusive.
1	Henry VI.	— iv.	— 169,	— 1, 11, 12, 13, 14, 15, 16,
				and 24 to 33, both inclusive.
2	————	— iv.	— 201,	— 15.
3	————	— v.	— 406,	— 5.
5	————	— v.	— 407,	— 6.
			409,	— 7.
6	————	— iv.	— 326,	— 24, 25.
8	————	— iv.	— 336,	— 13.
10	————	— v.	— 433,	— 16.
13	————	— v.	— 438,	— 22.
32	————	— v.	— 238,	— 22, 23, 24, and 30 to 40,
				both inclusive.
33	————	— v.	— 284,	— 30 to 39, both inclusive.
34	————	— v.	— 453,	— 41, 42, 43.
—	————	— v.	— 289,	— 40, 41.
—	————	— v.	— 321,	— 50.

It was afterwards moved, "That the said Report be printed," which, upon the question put, was ordered accordingly.

The House adjourned.

Tuesday, 23d December.

Sir Francis Molyneux appeared at the bar of the House, and informed their Lordships that there was a message from the Commons; and the messenger being ordered in, the Marquis of Worcester, with several Members, came to the bar, for the purpose of requesting a conference; which, after the usual forms, was agreed to, and took place in the Painted Chamber.

The House then adjourned during pleasure, and the Lord President, Lord Privy Seal, Duke of Richmond, the two principal Secretaries of State, and several other Lords, managers appointed to carry on the conference for the House of Peers, withdrew: after a short time they came back, and the House was resumed, when the Lord President rose, and acquainted their Lordships, that the Managers on the part of the Commons (by the Marquis of Worcester) had delivered to him three resolutions, to which they desired their Lordships' concurrence.

His Lordship moved, "That the same be read by the clerk," which was accordingly done, and are as follow, viz.

I. "That His Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby for the present interrupted."

II. "That it is the right and duty of the Lords Spiritual and Temporal and Commons of Great Britain now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from His Majesty's said indisposition, in such manner as the exigency of the case may appear to require."

III. Resolved, "That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords Spiritual and Temporal and Commons of Great Britain should determine on the means

A^d 25 Henry VIII. Ch. 22, Sec. 11.

— 1 and 2 Philip and Mary, c. 10.

— 24 George II. c. 24.

— 5 ——— III. c. 27.

“ whereby the Royal assent may be given in Parliament to
 “ such bill as may be passed by the two Houses of Parliament
 “ respecting the exercise of the powers and authorities of
 “ the Crown, in the name, and on the behalf of the King,
 “ during the continuance of His Majesty’s present indis-
 “ position.”

It was then moved, “ That this House do, on Friday
 “ next, resolve itself into a Committee of the whole House,
 “ to take into consideration the present state of the Nation,”
 which, upon the question put, was ordered accordingly.
 The Report from the Committee appointed to examine His
 Majesty’s physicians; and the Report from the Committee
 appointed to search the journals, &c. and report precedents,
 was likewise referred to the said Committee.

Lord Loughborough now rising, remarked that, although
 he did not entertain the most distant intention to oppose, for
 the present, the last resolution, he could not avoid suggesting
 a few remarks that had occurred to him; and first, the terms
 of the resolutions of the Commons struck him with infinite
 force. They had not, as he understood had hitherto been
 the constant and invariable practice, left any kind of blank;
 they had not, in this instance, resolved for themselves only,
 but for their Lordships also, as was plainly and clearly ex-
 pressed by the words. This, in his opinion, was a new me-
 thod, and their Lordships’ perseverance in their right to de-
 termine for themselves was of too much importance to be
 trifled away; he wished to know if any one of their Lord-
 ships recollected any thing ever coming from the Commons
 in that form before; if they did, he trusted they would fa-
 vour him with the information? If he received no such in-
 formation, he should conclude himself in the right; and that
 it was a precedent which ought not to be countenanced.—
 Leaving this, however, for their Lordships’ consideration,
 he should beg leave to trouble them with a few words upon
 the “ Report of the Committee to search into precedents”
 being referred to the same Committee; a Report, to say no
 worse of it, which was the most inaccurate that ever was
 produced, and a disgrace to those persons from whom the
 Committee had, no doubt, expected to receive assistance,
 and to whom they had, doubtless, trusted the selection.—
 [Here the Duke of Richmond observed, his Lordship had been
 named of that Committee; a circumstance, Lord Loughbo-
 rough declared, it was the first moment he had ever heard
 of.] Amidst the variety of inaccuracies and absurdities to
 which he should endeavour to draw their attention, and
 which, he hoped, would have the desired effect, to induce
 the serious perusal of the Report previous to Friday, in the
 first place, under the head of precedents in cases of infancy,
 were

were two acts alluded to in the 10th and 13th of Richard II. when it was upon record, to be found also in every historian, and he should have thought almost generally known, that that Monarch was of full age some months before the passing the first, and consequently four-and-twenty on the passing of the latter; a little farther, among those denominated absence, would be found an act in the reign of Edward II. when the King was a close prisoner, and soon after which he was absolutely deposed; this, he admitted, was not to be found upon the rolls of Parliament; for, unfortunately, the first of Edward III. as well as the first of Charles I. had, by some means or other, been mislaid; but if these rolls had been searched a little farther, which certainly ought to have been done, for the elucidation of every precedent adduced, the third of that King would have sufficiently explained it; but what surprised him the most, was a case brought forward under the head, "or otherways," &c. This was stated to be an act of the grand Council of the Nation, a description he confessed himself entirely at a loss to understand, that being an appellation which he had always conceived due to Parliament only; yet, even here, had they only turned to the very next roll of Parliament, they would have found that, instead of this being considered as a legal act, a bill of attainder had been passed against those who formed it; it had constantly and invariably been reprobated from that time to this, and how it could have been thought worthy of being alluded to at this moment, he was at a loss to conjecture; nay, it ought not to have been without the circumstances which followed; indeed, the attempt to draw any precedents from the reign of Henry II. was going wide of the subject; for, acts were passed in those days agreeable to the views and designs of the party who happened to be in power, and to every act, he thought, should be placed the name of the preceding battle, which would be a clear explanation. Lord Loughborough concluded, by informing the House, that at a proper time he should move for a Committee to take the Report into consideration, supply the omissions, expunge the extraneous parts, and correct the absurdities and inaccuracies with which it at present abounded.

Lord *Hawkebury* declared that, as one of that Committee who had framed the Report which had been so strongly reprobated, he could not avoid saying a few words in its defence, both for the sake of himself and those noble Lords who had thought proper to attend the duties of that Committee. He was at present totally unprepared to follow the noble and learned Lord through that historical tract which he had taken, but he did not doubt that he, as well as those noble Lords who had assisted in the formation of that Report,

Lord
Hawke-
bury.

would

would be perfectly able to defend it, whenever the noble and learned Lord should bring forward his promised motion ; until when, he hoped that their Lordships would not implicitly adhere to strong assertions, which, in his opinion, could be easily refuted.

The Lord Chancellor then put Earl Camden's motions, which all passed in the affirmative, and the House adjourned to

Friday, 26th December.

When the order of the day had been read for the House to resolve itself into a Committee of the whole House, to take into consideration the present state of the Nation, and when Lord Onslow had taken his seat at the table,

Earl of
Hopetoun

The Earl of *Hopetoun* intreated that, previously to the moment in which their Lordships meant to proceed to any decision upon the three resolutions, he might be permitted to trespass, during a short time, upon their attention. Calamitous, indeed, was the occasion of that kind of discussion upon which it was that day their duty to enter. This was a task which not one of their Lordships, he thoroughly believed, would perform, without feeling the most sincere concern ; but as it was their indispensable duty, however reluctantly they might proceed, a due regard to the interests of their country would oblige them to act as their wisdom should direct, in so trying an emergency. He now adverted to the several topics which had come under the notice of the two Houses of Parliament, from the day of their having first assembled ; and he said that whether the right of the Prince of Wales to the Regency, which had been contended for by some, and resisted and denied to have any existence by others, were founded or not, or whether the right of appointing a Regent lay with the two Houses of Parliament, it was the unanimous opinion of all, both of the two Houses and of the Public at large, that the Prince of Wales was the person who ought to be named Regent, with such powers as the two Houses should think that the exigency of the case might require. For his own part, he most sincerely lamented that the right of the two Houses had been forced to a decision ; yet, as this circumstance had occurred, he thought that the resolutions, as voted by the House of Commons, were intitled to his support.

Earl of
Abingdon

The Earl of *Abingdon* rose next, and said :

My Lords,

Having obtained the object I had in view, by the agitation of the question that is now before us, and finding it to be not only in the hands of those where it ought to be, but where every possible light will be reflected upon it ; I rise,
under

under these circumstances, my Lords, to trouble your Lordships with a very few words only.

Upon the present doleful occasion, I have heard of doctrines, that whilst I recount them in my mind, I stand almost petrified with astonishment. *Animus meminisse horret*. It has been said, that deliberation in the two Houses of Parliament, at this awful crisis, is not of necessity : that the moment it was established by the report of the physicians, that His Majesty's health would not at present permit him to discharge the duties of his trust, the Prince of Wales, *de jure*, succeeded to that trust ; and that although deliberation, for form sake, might be tolerated, deliberation was matter not of essence, but of form only, and must end in nothing else. And these, good gracious God ! my Lords, are the doctrines of that very man who but a while ago was plucking the Crown off the head of the Monarch, and subdividing it between himself and a self-formed heptarchical junto with himself in this and the other House of Parliament. Of that very man, who calls himself a whig ; of him, who, whilst he is in the very act of erecting a monumental pillar in honour and to the memory of the glorious Revolution, is, by his doctrines, tearing up, from the very center of the earth, the sole and only ground upon which that Revolution stands. Such are these doctrines, my Lords, and being such, I will not reason upon the subject ; I will assert dogmatically, I will say, that the Prince of Wales, by the laws and constitution of the land, has no more right, as *Prince of Wales*, to exercise the functions of the Crown, than any other subject of the Realm ; and I challenge the stoutest lawyer of you all to controvert this position. His right, my Lords, is hereditary, and hereditary only, and that right is *posthumous* ; and let us even see what this *posthumous* right is. The Crown of England is hereditary, but it is hereditary under limitations, restrictions, and provisions. The inheritance, says Sir William Blackstone, is *conditional* ; and it is so, my Lords, by the express law of the land ; for by the statute of the 1st of William and Mary, stat. 2. chap. 2. it is enacted, " That every person who should be reconciled to, or hold
" communion with, the See of Rome, should profess the
" Popish religion, or should marry a Papist, should be ex-
" cluded, and be for ever incapable to inherit, possess, or
" enjoy the Crown ; and that in such case the People should
" be dissolved from their allegiance, and the Crown should
" descend to such persons, being Protestants, as would have
" inherited the same, in case the person so reconciled, hold-
" ing communion, professing, or marrying, were naturally
" dead."

Now suppose, my Lords, a case to occur within the provision of this statute, and then let me ask your Lordships, who is to be the judge of the person so incapacitated and excluded by this statute? Is it the Parliament, (as it has been craftily and subtly said, in order to avoid the energy of this statute) because the King is one of the constituent parts of a Parliament? Will a King exclude himself? No, no, my Lords, that exclusion appertains to us, and to the other House of Parliament exclusively. It is to us it belongs, it is our duty. It is the business of the Lords and Commons of Great Britain, and of us alone, as the trustees and representatives of the nation. It is true, my Lords, that the power to alter or new-model the succession, is by law given to the King and Parliament, for these are the words of the law; and it is likewise true, that by the act of the 6th of Queen Anne, chap. 7, any person who shall maintain the contrary of this, shall be guilty of the penalties of a premunire. But what is the supposition of law in these cases? It is, my Lords, that *that* King, so standing at the head of his Parliament, has not fallen under the disabilities of the afore-mentioned act of William and Mary, that he sits on his throne under the laws and constitution of the country, that he is a King *de jure*, as well as *de facto*; but if he has fallen under the disabilities of that statute, then, I say, my Lords, that the right to *new-model or alter the succession* vests in the Parliament of England, *without the King*, in the Lords and Commons of Great Britain solely and exclusively. This is Revolution doctrine, my Lords; this is my doctrine, though I do not profess myself a Whig, though I am not a Member of the Whig Club, nor have I subscribed to the intended *politico-patriotic obelisk* that is to be at Runny Mead. Neither, my Lords, am I a Tory, but I am what I glory in, and will end my life in, I am a well wisher to, and a supporter of, the British Constitution.

And if this be so, my Lords, where there is an hereditary right, where that right has taken place, and when the Crown is *already* on the head of the King, what shall we say where there is no right at all? My Lords, I do again assert, that the Prince of Wales has no more right to the Regency of this country, otherwise than as the two Houses of Parliament shall be pleased, out of their grace and favour, to bestow it upon him, than I have: he may have pretensions superior to others, he may have a claim, but he has *no right*. His right to *govern* is *hereditary* only, and the demise of the Crown, thank God of Heaven, has not yet taken place. May the King live for ever, my Lords, and let the established Church of England, let the hierarchy of this country say, Amen!

But, my Lords, when I have said this, I do not mean to say, that the Prince of Wales should not be invested with this authority. What I mean to say is, that the right is yours in conjunction with the other House of Parliament, and you will do with it as you shall think best. But in that doing, my Lords, let me conjure you to be wary, to be cautious, to be circumspect; the concern is weighty; the case is magnitudinous, and of importance infinite. Feel for yourselves, my Lords, feel for the nation; but above all, feel with the pity of men, for the unhappy state of the Monarch himself. Remember, my Lords, he may be restored to his health, and let us never give up the idea, that "old Lear shall be King again." Remember too, my Lords, that by a vote of ours, we are now about to dethrone a King; but will his restoration to the Throne depend upon our vote? Here my Lords, pause and think for a moment! I trust it may! But what has been, may be again. I have read a little of history, and I have there found, it is easier to give, than it is to revoke power when given; and especially too, when placed, as it may be, in the hands of those who are for or against the rights of the Crown, as it best suits with the views of their own ambition. Again, in cases of common lunacy, I speak with deference to the noble Lord on the woolsack, the next heir is not entrusted, from the wisdom of the law, with the guardianship of the lunatic? In the case before us, who are to be the responsible conservators of His Majesty's health, and what the conduit pipes through which this intelligence is to be conveyed to us? My Lords, the greatness of the subject calls for united wisdom, and exceeds individual ability to discuss. But inasmuch I have discharged my duty.

A single word more, my Lords. Let the Prince of Wales reflect, that he, as George the Fourth, may of himself, have a son, who will be Prince of Wales, so making the case of his father his own; and then let him judge who are, upon the present occasion, his best and truest friends. The Ministers who act as they do, or the opposition who advise and lay down the doctrines they have done. It is said that His Royal Highness is a man of sense and discernment. To the wise therefore, my Lords, *a word is enough*.

Lord Rawdon observed, that if his declaration on a former day, when the House had conversed respecting the subject that he would be the person to stand forward, and singly take the sense of their Lordships on the question of right, should any attempt be made to discuss it in that House, he could, at that time, have thrown him under the necessity of making an apology, for such a necessity was

Lord
Rawdon.

now completely done away by the speech which the House had just heard. It was now evident, that the loose and idle opinions of the multitude, that the old women's tales in the street, and that the most vague and extravagant conjectures of the ignorant and uninformed, had made such an impression that they had even found their way into that House, and helped to furnish subjects for parliamentary declamation. For his own part, he would make no farther remarks on the subject, but would proceed to declare his objection to the second proposition, and also to the third, which was so connected with it, that it would be impossible not to consider them both at one and the same time. Both those propositions appeared to him to be equally unnecessary and unwarrantable. From the former of the two, it would be imagined, that some claim, denying the admitted right of all free men, in all times, to chuse their own form of government, and in contradistinction to the right of the two Houses, had been set up in a regular way, so as to render a declaration of the right of the two Houses necessary. That no such claim of right had been brought forward in any regular way in either House of Parliament, was a fact so well known, that no noble Lord, he presumed, would venture to deny it. Nay, their Lordships had heard through the medium of the highest possible authority, a declaration on the part of the Prince of Wales, that he never meant to assert any such right, and their Lordships had been urgently desired from a regard to the feelings of the Royal Family, not to agitate such a supposed claim. In the moment that every one of their Lordships, he doubted not, would cordially join in expressing their heartfelt sorrow for the lamentable situation of their Sovereign, were any of them willing to shew that they were so destitute of delicacy, and of manifesting a due attention to the feelings of His Majesty's family, as to aggravate their distress, by unnecessarily entering on a discussion which had been on the part of the family deprecated with so much earnestness? Before they could vote the third proposition, he should conceive that the House ought to have before them a clear and precise description of the proceeding, that the resolution was meant to be followed up with; for as the resolution stood, the wording of it was so equivocal and ambiguous, that it was impossible for their Lordships to be aware of the sort of proceeding which was meant to be grounded upon it. The alarm had already gone forth, men's minds began to be irritated and inflamed, and the passing of the three propositions would lay the grounds of so much future mischief and dissention, that it would convulse the nation from one end of it to the other, and endanger the existence of the
Constitution

Constitution itself. To avert therefore so fatal an evil, and with a view to render it unnecessary for the House to vote either the second or third resolutions, he should move such an amendment to the first resolution as would meet the unanimous sentiment of the public, and, he believed, of both Houses of Parliament. Lord Rawdon then moved, that the following words to be added to the first resolution :

“ That an humble address be presented to His Royal Highness the Prince of Wales, praying His Royal Highness to take upon himself, as sole Regent, the administration of executive Government in the King’s name, during the continuation of His Majesty’s aforesaid indisposition, and no longer.”

Earl Camden observed that, unless he greatly mistook, the amendment appeared fraught with an intention to lay aside and evade the discussion of as important a question as ever had been agitated in that or the other House of Parliament; a question concerning the right of the Prince of Wales, as Heir Apparent, to exercise the Sovereign authority during the incapacity of His Majesty. That such a right existed, was what he had never heard, before he heard that the doctrine had been broached in the other House of Parliament; and as soon as he learnt that it had been asserted, he had stated it in debate in his place; and however irregular his introduction of it might have been, their Lordships had heard a noble and learned Lord, whose opinions were deservedly of great weight and authority in that House, argue and contend for its existence, with a considerable degree of gravity and earnestness. If such a right did attach to His Royal Highness the Prince of Wales, it ought to be acknowledged and recognized, because, in that case, their Lordships, and the other House of Parliament, as he had before said, were usurpers of the rights of another person, and were deliberating in a case which did not belong to them to discuss, but which, as the doctrine had been laid down, it was their duty only to adjudicate and declare. He was extremely sorry that the question of right had been agitated; but having been once broached, it must be decided, that men’s minds might be set at rest upon it. As to any mischiefs which could arise from it, he declared that he saw none; but if it were true, that mischiefs would be produced by its agitation, those mischiefs were already produced, and the alarm which had gone forth, if any such had gone forth, as the noble Lord had asserted, ought to be quieted. A noble and learned Lord (Loughborough) had thought proper, during the course of a former debate, to animadvert upon a supposed incorrectness of the Report from the

the Committee of Precedents. He protested he knew not that there was any real ground for such a charge against the Report; but he would venture to say, that if in the preparation of it, any error had escaped, it was a matter of pure accident, and perfectly unintentional. He would add also, that he did not think that if the fact were so, that any material conclusion could be drawn from it. Their Lordships, he trusted, need not be cautioned against depreciating the precedents which were before them, because the same arguments that would support an attack upon them, would go the length of calling the validity of Magna Charta in question. Earl Camden now proceeded to point out in what manner the precedents bore any sort of analogy to the present situation of affairs, and said that he would not trouble the House with entering into a minute discussion of each, but merely content himself with observing upon those which bore the closest analogy. The first of these was a precedent of Edward the Third, who had been declared Regent in the life-time of his father, and had a Council appointed to assist him. The next was upon the death of Henry the Fifth, which he conceived to be a good, a substantial, and a legal precedent, the proceedings of Parliament at that period being as grave and formal as at any period of our history. His Lordship went through the detail of the precedent in all its points, to the exhibition of the claim of the Duke of Gloucester, as Regent, of right, in absence of his elder brother, the Duke of Bedford; and in order to shew clearly what had been the opinion of Parliament upon that claim, he desired that the Clerk might read the record, stating the Duke's claim, and the answer of the Parliament, which was accordingly done, and thence it appeared, that the Duke refused to attend Parliament, till he knew what his authority in Parliament was, and made his claim as nearest of kin to the infant Monarch in the absence of his brother, the Duke of Bedford, when the Parliament in reply, in the most unequivocal terms, declared, that the Duke had no right, either of his own, from relationship to the King, or by virtue of his brother's will, but that they had appointed him Protector and Defender of the kingdom, meaning by the name expressly to guard against any idea of their acknowledging any right in him to exercise the Royal authority. Let any one of their Lordships point out to him any difference in respect to such a right as had been asserted to be in the Duke of Gloucester, in the infancy of Henry, between an Heir Apparent, and an Heir Presumptive, or between an interruption of the exercise of the Royal authority through infancy, or incapacity from indisposition. The same precedent which had analogy
to

to the one, bore analogy to the other. For his own part, he should contend for the quietude of the times whence this precedent was drawn, it being in a moment of internal peace, when a King, deservedly the idol of his people, and when Bedford and Gloucester, the two Princes nearest allied to Henry VI. were men of high fame, one of them the most able, the other the most popular character of his day. The next precedent was that of the 32d, and 33d year of Henry VI. when in consequence of the King's sickness, the Duke of York was appointed Regent, exactly with the same limitations which had been put into the patent appointing the Duke of Gloucester protector. Earl Camden adverted to all the circumstances of the Duke of York's taking up arms and marching an army of ten thousand men to London, upon the pretence of obtaining a redress of grievances, his being deceived by Queen Margaret and Somerset, and his retirement to his Castle in Wales, where he lived almost two years, before he returned again to London, and was appointed Regent. He expatiated on the wisdom of our ancestors as manifested in their constant endeavours to restrain ambitious men from aiming at the Government, by shackling them with councils of Regency, and fettering them with such other restrictions as should prevent them from grasping at the whole of the Royal authority. He begged, however, that his observations of this tendency might be considered as applicable solely to the wisdom of our ancestors, and that he concurred with them in thinking that to be the true line of policy. He meant not to glance at the present Heir Apparent, who he was sure would prove the last man desirous of assuming powers which the two Houses of Parliament would not think it consistent with the safety of the Crown, or of the nation, to forego or suffer to be taken out of their hands, as representatives of all the estates of the People. Such was the infirmity of human nature, such the natural proneness to ambition, and such the inordinate thirst after dominion and power, that it behoved the two Houses always to regard an opportunity to advance the objects of such passions with jealousy, and to provide restrictions to check their progress. With regard to the Prince of Wales, so amiable had been his conduct, that it sat suspicion at rest, and rendered the task of limitation less difficult. There was no intention, in reality, to withhold from His Royal Highness above one or two instances of exercising Royal authority, and those, such only, as a due regard for the preservation of the Crown on His Majesty's head, and the securing to him the power of resuming the exercise of all his Royal prerogatives, when he should be restored to health, indispensably demanded.

demanded. His Royal Highness would have the power of dissolving Parliament, of appointing his own political servants, of entering into foreign treaties, and, in fact, all the power necessary for the carrying on of a strong and vigorous Government. In the course of the proceedings which had taken place, Earl Camden observed, that he trusted it would be admitted, that the present Administration had acted impartially, and with no view to promote their own private interests. For his part, he was arrived at an age, when a retired life would better suit his years, and when he might have an opportunity of serving his country to as much advantage some other way, as he might do in office. Whenever the new Administration came in, however, he would be bold to say, that they would not find the present Ministers form themselves into a malignant, or an unprincipled opposition. Whoever were to compose the new Administration, his sincere and earnest prayer was, that they might act as conscientiously as their predecessors, and be able to serve their country to infinitely more advantage.

Viscount Stormont. Viscount *Stormont* said, that in what he had to trouble their Lordships with that day, he would endeavour, as much as possible, to avoid repeating any of those observations which he had made in the course of the debates that had already occurred on the same subject. It was not his intention to follow the noble and learned Lord, who had just sat down, through all the historical detail that the noble and learned Lord had favoured the House with, as he did not pretend to more than a general knowledge of the history of his country. The Committee appointed to search for precedents, had, undoubtedly, furnished them with a considerable number; but, among them all, there was not one that came sufficiently near to the present calamitous situation of the country, to be considered as a precedent in point, or relied on as authority. Some of the precedents in the Report were so extravagantly wide of the present case, that it was impossible to guess the reason of their having been cited, unless it were to prove how wildly their ancestors had, in the elder periods of our history, proceeded, and with how little regard to the law of the land, or the constitution of the country. As no precedent could be found, that could, with safety, be followed, it behoved their Lordships to pursue that line of conduct which should be consistent with good sense, and to adopt that measure which should least affect the land-marks of the constitution.

The noble and learned Lord had passed over all the precedents preceding the reign of Edward the Third, from a conviction, no doubt, that they were selected from times full of anarchy and confusion, and from a laudable attention to that

that old generous maxim *de Mortuis nil nisi bonum*. The noble and learned Lord had, however, rested a good deal of his argument on the two precedents taken from the early part of the reign of Henry the Sixth, and from the thirty-second and thirty-third years of the same reign, because, as the noble and learned Lord had declared, those were times of peace and tranquillity. Was the period in which Henry the Sixth, while an infant, ascended the throne, a period of peace and tranquillity? A period when the flower of our nobility were in France, together with almost the whole of the English army, and when the best blood of the country had been spilt in that kingdom, fighting for the Crown, and protecting those provinces which the gallantry of Henry the Fifth had acquired! Did their Lordships remember what had passed in France, when Charles the Sixth was afflicted with a similar malady to that under which His Majesty laboured, and when that rich kingdom had been torn and distracted by the two powerful parties, the one headed by the Duke of Burgundy, the other by the Dauphin; the Burgundians had got possession of the King, and carried him about as a pageant, making the most shameful use of his name, and the most wanton exercise of his authority, while the Dauphin, by his wisdom and valour, recovered the Crown, and laid the foundation of the greatness at which France had since arrived. Did their Lordships recollect, that this country was deeply engaged in those contests, and could the period in which they were carried on, be called a period of peace and tranquillity to England? Were those peaceable times also, when Richard Duke of York was chosen Protector of the kingdom, and exerted every nerve which tyranny and corruption could call into action, to further his ambitious designs upon the Crown? The Duke of York had been holden up by the noble and learned Lord as a character worthy of imitation; that Duke of York, who, though less bloody, was scarcely less immoral, insidious, and unjust, than Richard the Third. As well might that scene which they had all seen so frequently well acted, in which Richard the Third is discovered, leaning on two churchmen, when visited by the Mayor and citizens of London, be extolled as a proof that Richard was a pattern of piety, as Richard Duke of York, who, after the battle of St. Alban's, where he had wounded his King, and taken him prisoner, took a solemn oath at Paul's Cross that he was, and ever had been, liegeman to his Prince, be holden up as an example of loyalty. With as little regard to fact, also, could the precedent of Edward the Third be said to be a precedent chosen from peaceable times, because, as their Lordships must remember, Edward the Third put his signature to a commission, when he was

only fourteen years of age, at a time when his father had been forced to become a fugitive, through the intrigues of Mortimer and Queen Isabel, and when the country was distracted with all the horrors of a civil war. The precedents, therefore, to which the noble and learned Lord had pointed, as precedents taken from peaceable and undisturbed times, were precedents selected from periods of our history peculiarly unsettled and unquiet. But, though the fact were so, it was little to the purpose, because, he repeated it, no one of the precedents applied; the Legislature of those times having been complete, whereas now there were only the two Houses of Parliament assembled.

Viscount Stormont declared that whenever, in the future parts of what he had to say, he should have occasion to mention the two Houses of Parliament, he would describe them in those words, and that whenever he wished to speak of the Parliament, properly so called, he would call it the Legislature. Was it possible for the noble and learned Lord to produce a single instance, in which the Heir Apparent had been of full age and capacity to govern? It was needless, therefore, to take up more of the time of their Lordships, by dwelling upon precedents, which had no analogy to the present moment; the spirit of the Constitution must be referred to, and that line of conduct adopted, that should, upon examination, be found to be most congenial to it. In that point of view let the amendment proposed by the noble Lord be considered. The ability with which the noble Lord had opened his amendment, had excited the general admiration of every one who heard his argument, and justly entitled the noble Lord to that compliment, which had been paid to John Duke of Argyle: that he was by nature qualified

“ To shake at once the Senate and the field.”

Let the Committee consider whether, in attaining an object, about which there was but one opinion, they would prefer a circuitous mode to a mode direct, obvious, plain, simple and easy. If they adopted the mode suggested by the House of Commons, and preferred the circuitous line of proceeding, they would assume the functions of the third branch of the Legislature, and trench upon the prerogatives of the Crown, which it was as much their duty to respect and support, as their own privileges, or those of the other House of Parliament. With regard to the argument that the Prince of Wales ought to be declared Regent, under certain limitations and restrictions, let their Lordships recollect the difficulty to which that sort of consideration would lead. It would be impossible to admit, that the prerogatives of the Crown could be divided, and some of them reserved, while others

were given to the Regent, and, at the same time, to contend, that the Regent would, nevertheless, be able to carry on a vigorous Government, without opening a door to an argument, which, however cogent, he did not mean to press upon their Lordships: that if there were prerogatives annexed to the Crown, which were not in themselves necessary to the energy and vigour of Government, those prerogatives might be spared, and ought to be abolished; since the Crown no more than the Regent ought to enjoy prerogatives which were admitted not to be essential to the benefit and advantage of the community. Every discussion of this sort would be precluded, were the noble Lord's amendment adopted, and, what was not a less important object, harmony between the two Houses would be secured, while neither their rights, for which the noble and learned Lord had so strenuously contended, would be sacrificed or called in question, nor would the functions of the prerogative be assumed or invaded. Every noble Lord who had hitherto spoken on the subject, had justly professed a veneration for the Revolution; why, then, would they not imitate that example, which they all professed so much to admire? The words of the amendment were precisely the same with those adopted by the Convention Parliament, when it was resolved to address the Prince of Orange, with the exception only of the reference to the incapacity of His Majesty; and surely, no one of their Lordships would contend, that the address voted to the Prince of Orange, implied that he possessed any other right to the throne, than that which he derived from the votes of the two Houses. Let their Lordships turn to the debates in the year 1688, and they would see the miserable jargon introduced by the lawyers of that period. Lawyers, it was notorious, generally speaking, mingled so much of their legal refinements with political argument, that they made sad work of it. At the time of the Revolution, every distinction that sophistry could suggest, and ingenuity invent, was devised, and insisted on to mislead the House of Commons, and confound their judgement; but, the first men of those days, who, though not great lawyers, were great statesmen, swept away the cobweb distinctions of professional reasoners at once, and by dint of sound sense prevailed on the House to speak by their actions, and come directly to the point, and declare the Prince of Orange King, a vote which, happily for the nation, was carried, though only by a vote or two. Viscount Stormont alluded to the turn and character of the debates of those days, and particularly mentioned the distinction taken by Mr. Finch, the ancestor of a noble Lord then present, (Lord Winchelsea) who, in arguing for a Regency, had asserted, "that the throne was not vacant, but that

“ King James was out of his understanding.” In that debate, in which the two points in question were, whether the Prince of Wales should be declared Regent or King, none of those Members who supported the argument in preference of a Regency, suggested one idea of limiting or restraining the Regent, in any degree whatsoever. The second and third resolutions, as originally proposed, and as sent up by the House of Commons, clearly implied an idea that the two Houses of Parliament had not only a right to decide electively, but to legislate for themselves, independent of the Crown, the third branch of the Legislature. An idea which, he confessed, he dreaded, and which, he trusted, the Committee, from a due regard to the Constitution, would never countenance.

If the doctrine that the two Houses could, in any instance, assume the functions and prerogatives of the Crown, were admitted, it must be admitted that they could do so in many, and it was not in human imagination to divine to how dangerous an extent so unconstitutional a practice might be carried. He reminded their Lordships of the violence of the House of Commons in 1648, which had led them first to vote, that any resolution of their own, independent of the concurrence of the two other branches of the Legislature, should have the force of law, and afterwards to declare the House of Lords useless, upon their Lordships refusing to concur with them in their resolution to bring the King to trial. The House of Commons had not been aware that they were, at the time, laying the foundation of their own ruin. Their proceeding, to be sure, had been rather blunt; but had they lived in times of modern refinement, how easily might they have solved their difficulty, sanctioned their design with the colour of law, and rendered it effectual, by only having recourse to the expedient now brought forward, and under pretence of a fiction of law, practised that upon the great seal, which it did not become him in that House to mention in plain terms, and issued a commission in the name of the King, appointing Commissioners to give the Royal assent to a bill drawn for the purpose of bestowing legislative authority on the proceeding. How fatal might prove the effect of setting up such a pageant in lieu of the third estate! That being clearly the creature of the two Houses, it could not possibly exert any of those independent and important prerogatives, which gave the Crown constitutional power to resist the encroachments of either of the two branches of the Legislature. Among other instances of its operating dangerously to the destruction of the Royal prerogative, it was not the least worthy of attention, that the negative of the Crown, that great barrier set up by the Constitution, for the purpose of

of arming the Crown with a powerful means of defence against any hostile attempts of the two Houses of Parliament, was completely done away. The Royal negative, it was true, had not been exercised by the Crown for a considerable length of time, but it was not a less important instance of the Royal prerogative, and when the Committee were deliberating whether they should agree with the other House to assume the legislative capacity of the Crown, in such a manner as supposed the discretionary power of the Royal negative not to exist, and by implication admitted that it could be dispensed with, it was the duty of their Lordships to weigh well the absurdity and danger to which the allowing such a fiction of law to pass, would expose them. He put the case, that the noble and learned Lord, who now so worthily held the great seal, should chuse, of his own accord, to fix the great seal to a patent of Peerage; he asked, how would that House receive a Peer so created? Would they not refuse to consider him as one of the Peerage! [His Lordship was here whispered, that the forms which a patent of Peerage must undergo, as well as the person created a Peer, rendered his hypothesis impossible.] He would put another case, which, he was sure, was correct: Suppose that the noble and learned Lord who held the great seal, should affix it to a commission, declaring the Royal assent to a bill, respecting which there had been much difference of opinion in both Houses; how were those who had opposed the bill, to contend against it as a law? He mentioned the statute of Charles the Second, as expressly declaring that the two Houses could not legislate, without the consent of the Crown, and pronouncing, that any person who, by advised speaking, should affirm the contrary, should incur the pains and penalties of a premunire. There occurred to his mind another difficulty, and he did not see how it could be gotten over; and that was, the subscription of the Royal signature to the commission to which the great seal was to be annexed, for the purpose of opening the Parliament, and passing a bill. It had formerly been held, that the King could not give the Royal assent to any bill, but by being present in person in that House. In the reign of Henry the Eighth, an act had passed, empowering His Majesty to give the Royal assent to any bill or bills by a commission issued under the great seal, and sanctioned by the Royal signature. In the present case, how would His Majesty's Ministers be able to give their commission legal authority, without the Royal signature? If they could do it in one instance, they could do it in more, and might proceed to a degree of enormity dreadful to be conceived. He urged the increase of difficulties which must accumulate, if the circuitous mode proposed by the second and third resolutions was

was persisted in. The land and malt-tax bills would soon be necessary to be passed, and he asked whether Ministers meant to maintain their fiction, by using it as an authority for levying money on the subject? He insisted upon it, that however ably the argument might be urged in defence of the mode of proceeding recommended by the third resolution; and, however the real nature of that proceeding might be glossed over and disguised, to all plain men like himself, unacquainted with legal entanglements, and fictions of law, it would appear to be neither more nor less than a direct attempt in both Houses to assume the exercise of the prerogatives of the Crown, and legislate for themselves in defiance of an express statute, to which he had before referred. He called upon noble Lords to point out to what difficulties voting the address would subject them. It would neither invalidate the rights of the two Houses, recognize the claim of the Prince of Wales, though much might be urged in support of it, nor prevent their proceeding to pass a bill of limitations, if it should be thought wise, to lay the Regent under any restrictions. With regard to the latter, the address moved by the noble Lord by no means precluded such a bill; but, to attempt to pass it at present, would be indecent and unfair. Let them fill the third estate, declare a Regent, and establish the Royal authority, and then, if it should be thought necessary to restrain its powers, combat them in a manly way, when the Royal Authority was capable of defence, and could act for itself. He took notice, that the second and third resolutions had been argued on two grounds, that of political necessity, and that of expediency; two grounds that essentially contradicted each other, because the one was compulsory, the other optional, depending merely on the opinion of those who acted upon it. He denied that there could exist such a thing as political necessity, declaring that a moral, clear, and intelligible necessity was an intelligible phrase, but that political necessity was not so, nor ever used as a fit ground for a parliamentary proceeding. He defined the distinction between necessity and expediency, and contended, that in the one case, deliberation might be had, in the other it could not. He warned the Committee, again and again, against the danger of countenancing any departure from the limits prescribed by the Constitution to the two Houses of Parliament, and mentioned the circumstance of the House of Commons having, in the reign of Charles the First, wished to have it allowed, that from that time forward, the Officers of State should be named and appointed by the two Houses of Parliament, observing, that just before the King had erected his standard at Nottingham, a message was sent to him, to obtain his consent; but King

Charles

Charles had thrown a die for the whole, and would not submit to hold his authority as Sovereign, on limited conditions. Their Lordships well knew the dismal scenes that followed, which ended in the dissolution of the monarchy and the constitution. Viscount Stormont repeated his recommendation to the Committee to adopt the short and easy path of voting the amendment, in preference to the circuitous road chalked out by the second and third resolutions. He reminded the House, that all agreed in the propriety of declaring His Royal Highness the Prince of Wales Regent; he asked, therefore, why should they differ about the means of constituting His Royal Highness to that office, when the readiest mode of doing it, with perfect safety to the Constitution, presented itself to their hands. The noble and learned Lord had desired them to recollect that they were not merely called on to settle a temporary difference of opinion, but that they were deciding for posterity. He begged leave to join in the noble and learned Lord's request, and to urge it to their serious consideration with all the additional force which his poor abilities could give it. They were establishing a precedent, which, in times less enlightened than the present, might be used as the ground-work of proceedings, the most fatal to the liberties of the People, and the existence of the Constitution, that could be imagined.

The Duke of *Richmond* justified the third resolution, and Duke of the means intended to be pursued under its authority, by the *Richmond* necessity of the case; and contended, that the two Houses would equally proceed to an act of legislation, whether they voted the resolutions, which were a kind of guard against an unnecessary exercise of sovereign authority, under a fiction of law, and such an exercise of it, as the extreme exigency of the case made absolutely necessary, or voted the address proposed by the amendment. He said, he had the highest respect for His Royal Highness the Prince of Wales, and had not the most distant idea that, were His Royal Highness declared Regent instantly, and by the means recommended in the amendment, that His Royal Highness would do any thing improper; but, his duty to His Majesty, and the duty they all owed to the Crown, and to themselves, made it incumbent on them to guard against any possible danger, and to deliver such a precedent to posterity as should at once mark the extreme caution with which they had proceeded in a case of such infinite difficulty, and secure the safety of the constitution to future ages. If, without any such limitation or restriction, the Prince were instantly declared Regent, he conceived that the whole personal property of His Majesty would come into the hands of the Prince of Wales, and all His Majesty's servants, from the noble Lords with white
 slaves,

flaves, down to the lowest page, might be removed. Nay, the very physicians that had the care of His Majesty's health might be changed: All His Majesty's wealth, likewise, might be seized, and perverted from the uses to which His Majesty might have graciously intended to apply it. The Duke said, that when His Majesty should happily be on his recovery, the knowledge of the alteration in the state of his household, and of his personal property, might have the worst possible effect; indeed, the reflection it might give rise to, must be so severe, that it would be enough to drive men of sound minds out of their senses. He declared that he meant not to insinuate that His Majesty's person would not be safe in the power of the Prince of Wales. He was sure that it would. The strong marks of filial affection and tenderness which His Royal Highness had manifested, during His Majesty's melancholy illness, were the most flattering proofs, that every token of kindness and care would be exerted by the Prince; but, he was reasoning on the possibility of the case, and it was the duty of their Lordships to guard against that abuse of power, to which, from the infirmity of human nature, every man was liable.

Lord
Hawkes-
bury.

Lord *Hawkesbury* went over the ground of precedents, and contended, that the precedent of the early part of the reign of Henry VI. was directly in point with the present situation of affairs, and that the fiction of law was a necessary endeavour to preserve the forms of the Constitution. He stated the case in France, when the Duke of Orleans had been Regent, and the young King Louis XIV. not above four years old, was carried by his *gouvernante*, and placed upon the throne in a *lit de justice*, and a similar fiction practised by the Duke Regent. In answer to Lord Stormont's declaration, that as the great seal was admitted to be undeniable evidence in a court of law, if the Lord Chancellor could put it to a commission in the case proposed, he might do so to any commission that he thought proper, without incurring a danger of punishment, Lord *Hawkesbury* said, that if a Keeper of the Great Seal should venture the risque of putting the great seal to any commission, without the authority and sanction of the two Houses of Parliament, though it was true he could not be tried in a court of law, he might be tried before the High Court of Parliament, where an impeachment would reach him, and bring him to his merited punishment.

Lord
Portchef-
ter.

Lord *Portchester* charged the three resolutions with gross inconsistency. The first declared His Majesty incapable of exercising the Royal authority, and the third supposed him capable of giving the Royal assent to a bill. He called upon the noble Lord who spoke last, to shew him a precedent of a Prince of Wales, of full age and capacity to govern, who had

had not been appointed Regent during the incapacity of his father ; as the noble Lord had himself furnished most of the precedents contained in the Report on the table. Lord Portchester said, he must be apprized of it, if any such precedent as he referred to existed ; but the noble Lord well knew there was no such precedent to be found. He reprobated the expedient authorized by the third resolution, and said, that so far from being what the noble Lords had described it, calculated by means of a forgery of the great seal to preserve the form of the Constitution, and keep the Royal authority whole and entire, it tended immediately to dissolve the very fabric of the constitution, to put an end to the three estates, and divide the Royal authority into four parts ; to give one to the House of Commons, another to the House of Lords, and a third to a Commissioner or Commissioners, to enable them altogether to deliver the remaining part to a Regent. He denied the doctrine of a learned and noble Lord, who had maintained that the infaney and incapacity of a King were similar cases, and maintained that there was an essential difference between an Heir Apparent and an Heir Presumptive ; since, in the case of the former, the lineal succession went on ; in the other collateral descent only. The first was more favoured by the law than the latter. He deprecated a difference of opinion with the other House of Parliament, and said, in the very centenary of the Revolution, when the People were preparing to erect a pillar in honour of that memorable event, their Lordships were called to pull up by the roots the Constitution, which had been so gloriously established in 1688. He declared he felt abashed, as a Peer of Parliament, and a Member of that House, on finding that the House of Commons should have taken upon themselves to declare what was his right and his duty.

The Earl of *Carlisle* lamented the melancholy cause of their discussion ; he declared he did not consider a resolution of the House of Commons as binding upon their Lordships, nor could he see how it followed, that because the other House of Parliament had thought proper to vote the second and third resolutions, their Lordships ought to vote the same. The Earl denied the analogy between the precedents relied on, and the present case, and said the proceedings referred to by the noble and learned Earl, had all of them occurred during the sitting of legal Parliaments, when the Legislature had been complete. He warned their Lordships to beware, lest by deviating from the straight path of the Constitution, Ireland should be inclined to do the same.

Earl of
Carlisle.

The Marquis of *Lansdown* declared, that the question comprehended and involved in the discussion and decision of that day, points of the greatest magnitude and importance ;

Marq. of
Lansdown

points meriting the most serious and solemn discussion of any that had ever engaged the attention of a House of Parliament. He owned, that it gave him very particular concern that Ministers had sent up the third resolution from the House of Commons, at the same time that they had sent up the second, and that they had coupled it with it; not that he did not fully approve of the third resolution, but merely because the circumstance of its having accompanied the second resolution had afforded the ingenuity of those who wished to prevent the second resolution from receiving the sanction of that House, an opportunity of drawing arguments out of the third resolution, and applying them in objection to the second. Ministers, he saw, had made the precedent of the early part of the reign of Henry the Sixth, the precedent for their proceeding. He thought they were right in so doing, and he wished to Heaven they had gone farther, and followed up the precedent in all its forms. Had such a measure been adopted, a measure which he should have considered as perfectly proper, and perfectly justifiable, a great deal of the argument which their Lordships had that day heard, would have been cut up by the roots, and it would have been impossible for it to have been advanced. In contradiction to the doctrines which had been asserted, concerning the two Houses of Parliament, that they were then in a Convention, single and unconnected with any set of men as he stood, he had no hesitation in declaring, that the present was to all intents and purposes a Parliament, a Parliament regularly assembled. The King had assembled them; the King had the undoubted authority thus to assemble them; because the King was living. He pretended not to any great knowledge of law, but he knew enough of it to be perfectly assured that, according to the law and the constitution, the throne was never vacant, and that the King, in no age, in no condition, either as a minor, or otherwise, was ever considered as unequal, and incompetent to the exercise of the Royal functions. That the King is never incompetent, never a minor, cannot think or act wrong, is a fundamental principle of the common law of England, universally acknowledged. The same principle prevails in regard to minors, who present to livings at a year old, and other matters. It is not to be presumed, that these are principles without a meaning. Our old principles of law are not only never found without a meaning, but, whenever called for, are found most commonly to have been suggested by the deepest wisdom; calculated not only to remedy past evils, when they recur, but to meet future exigencies, whatever superficial people may think, who never foresee or comprehend difficulties, till they happen. There cannot be a stronger illustration

illustration than the present time furnishes. He wished, therefore, that His Majesty's Ministers had come down at once with such a commission as the third proposition pointed out, and that instead of having to discuss the propriety of putting the great seal to such a commission, they would have had it, in the first instance, to have acted upon such a commission. It would have coincided much with his opinion in opposition to a practice which had of late years obtained, and especially during the American war: the practice of coming to Parliament, in the first instance, and receiving its sanction beforehand for the measures of executive Government, thus confounding the legislative with the executive, taking away the responsibility from Ministers for their measures, and weakening the powers of inquiry and censure, which the Constitution had wisely lodged in Parliament. It was a practice which ought to be resisted; because, if it were suffered to prevail, it would confound the principles of the constitution, and take away one of its wisest and most beneficial provisions. Noble Lords had observed, that some risque would have been run, if the officer holding the great seal had, of his own authority, affixed it to a commission to hold the Parliament in the King's name. Some risque undoubtedly would have been run, but great officers were created for the execution of great and important acts, and if they would run no risque and no hazard, they had no business in great situations. He could not, however, see that any great risque would have been run by any man holding the great seal, who, in the present critical situation of affairs, should have assembled the Parliament, and brought together the collective wisdom of the nation, especially when it was considered what sort of a Parliament the present was—not a Parliament packed for the occasion, but a free Parliament, a Parliament which had been approved by the country, and had been long in existence previous to the unfortunate calamity, which every man lamented, but no man felt more sincerely, more seriously, or more at heart, than he did. The single circumstance of having called the Parliament together in the way which he had mentioned, would have cut up much unnecessary debate; and, sure he was, that the two Houses were fully equal to the acquitting of any Minister, who had, in such an emergency, put the great seal to a commission, constituting them a Parliament. He spoke of the precedents which had been adduced, and were contained in the Report upon the table, in terms of respect, declaring that, in his opinion, it was impossible to have collected a line of precedents more applicable to the circumstances in which they at present stood. In the course of the discussion, it had, he observed, been asserted, that no precedent bore

precisely on the case in point, which could be adduced, in which a Prince of Wales, of full age, was not appointed Regent. Let those who confidently rested on that assertion, be so good as to tell him, when, in a situation like the present, there had ever existed a Prince of Wales of full age? They all knew that no such case had ever occurred. Much had been said of right, and it had, on the one hand, been strenuously contended that the Prince of Wales had an inherent right to the Regency, on the other, that there was no right but in the two Houses of Parliament. The Marquis, expatiating upon this ground, and adding, that as he felt it necessary to elucidate, as much as possible, the points in question, he should beg leave repeatedly to urge his arguments, said, it is of the utmost consequence to every country, that it should, in no event, be left without a Government, practically, as well as legally, competent to every exigence. It needs no argument to prove, that Parliament is the natural government of this country. Nothing is wanting to make it as strictly legal, as it is practically so, except a commission from the Crown. What is there to prevent the officers of the Crown issuing such a commission under the present circumstances? Nothing can be alledged against the authority of such a commission, the fiction of it, or any other hard words, which may be applied with equal justice against the principle above mentioned, which seems calculated expressly to meet the occasion.

There is a precedent in Henry the Sixth's reign, when a commission was issued under the infant King's authority, as well as many other acts done, when the King was certainly as incapable of business as his present Majesty unfortunately now is. What is there so obvious, as to follow the same precedent; especially if it be confined to the purposes now required? Supposing those times bad, and the King's authority to have been then committed to serve factious and bad purposes, it can never render it inexpedient to commit it, when limited to answer the best purpose imaginable; namely, that of assembling the nation, and legalizing the acts of a free Parliament, chosen when nothing of this sort was in contemplation, and whose conduct has been singularly approved by the public. No man can say that such a precedent can ever do mischief, or seriously affirm, that there is the least possibility of its being impeached hereafter. For, in fact, to what does it reduce this mighty difficulty, stating the argument of the opposite side in its fullest force? Since the assembling a Parliament, or passing an act to appoint a Regent, with or without limitations, or approving a Speaker, or any other form necessary to complete the Legislature, cannot be deemed more than one measure coming under the same

same principle; it amounts only to this, that the Crown, in its legislative, not in its executive, capacity, is in this single instance bereft of its power of free will, not against its consent, the power of dissenting having never been thought fit to be once exercised by the family now upon the throne; and every possible exercise of this power having been pronounced unconstitutional, even in idea, by the principal persons now in Opposition, when Lord Lansdown, then Lord Shelburne, asserted some years since, that in case of a perfect reform of Parliament, every component part of the constitution should be equally free. On the contrary, the consent of the Crown is here presumed, under the direction of the two Houses, acting under a known and fundamental principle of law; for, however different the present proceeding may be in appearance, it must stand upon the same principle with that of Henry VI. since it makes no difference whether the great seal is put, and the King's authority used by the advice of a great or a little council. Those who do the act must stand the risque, which turns upon the justice of the act, and the nature of the exigence. If it should hereafter be found unjust or unnecessary, the advice of the Parliament, notwithstanding the precedent of the American war, ought only to aggravate the crime, and should not be suffered to be pleaded, any more than certain pardons in the last century. But, it can never be said, that where a measure is just, necessary, and well intended, the advice of the two Houses can render it less authentic; but, on the contrary, it must add considerably to the public confidence.

The only advantage, therefore, which would attend the commission having been issued at the risque of the officers of the Crown, would have been, to have cut up a great deal of debate, which has served to confound the *mode* with the *matter*, and to distract the minds of men with a great deal of sophistry about Parliament, by no means applicable.

But, putting the legal ground out of the question, the constitution furnishes equally unquestionable ground to go upon, before it is necessary to have recourse to imaginary law.

The principles declared at the Revolution, and asserted and insisted upon by Judge Foster, and every good writer since, make the Crown itself not to be descendable property, like a pigstye or a laystall, but a descendable trust for millions and ages yet unborn; and contend that, on this account, the hereditary succession cannot be considered as a right, but a mere political expedient, alterable by the two Houses; which, in cases of exigence, have always been considered and always *termed* the Legislature, to prevent what Judge Foster states as the greatest of all possible evils, a disputed succession;

sion ; all which reasoning obviously applies with double force to the case of a Regent.

In fact, the People have rights, but Kings and Princes have none. The People stand in need of neither charters nor precedents to prove theirs, or professional men to interpret either. They are born with every man in every country, and exist in all countries alike, the despotic as well as free, though they may not be equally easy to be recovered in all. Kings have at times different interests, and great calamities have followed their differences ; but, the People can have but one interest throughout the world, which makes it of the utmost consequence to one People to know what another think and feel, and so far from lessening the weight of any Government, it must have the contrary tendency ; inasmuch as there can be no comparison between the force and effect of a Government known to be approved by the unanimous, entire, and genuine voice of the People, through their representatives, and one founded on a stale principle of right, which can be maintained neither by precedent, law, or reason, or upon a Government half one and half the other. Let their Lordships, therefore, consider the danger of the doctrine, that there existed in the Prince of Wales a right to exercise the Royal authority during His Majesty's incapacity, and that the two Houses had no right to interfere, or to appoint whom they considered as the most proper person to be the Regent. A variety of cases might be put, in which it might appear that the Heir Apparent might be an improper person to be entrusted with the Regency. Suppose, for instance, the present Prince of Wales, instead of residing at Windsor, and setting an example of affection and tender regard for the Sovereign ; instead of doing the honours of the country to foreigners, and raising the national character for polished manners, as report said he had done, throughout Europe, had been caballing away his time in the Capital, intriguing with the army and navy, cultivating his interest with foreign Powers, endeavouring to rouse the countries dependant on Great Britain, trying to render them subservient to his interests, and raising money to carry on his ambitious projects, and endeavouring by undue means like these, to enforce his claim, and maintain his right. Would not every man in the kingdom wish that if such had been the conduct of the Prince of Wales, that there was a power in the two Houses of Parliament to step in, prevent such a character from being Regent, and appoint another. This proved incontestably the propriety, he might say, the necessity, of deciding the right existing in the two Houses of Parliament, and those who alledged the danger of touching
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upon the right, had themselves made it to be absolutely necessary, because they all uniformly asserted, that there did exist a right in the Prince of Wales, and yet every one of them had been afraid to argue it. At the same time, he did not mean to say, that the Prince of Wales ought not to be the person named as the Regent; far from it; it was to much the general sense of the whole nation that the Prince should, that if any Member of either House was to maintain that he ought not, they well knew, the man who should appear to have been rash enough to have made such a declaration, when he went into the streets, would be torn into twenty pieces.

With regard to the intended limitations, whatever they should be, that made the decision of the question of right absolutely necessary; because it would, if avoided then, recur with double force, when the question of limitations came to be agitated. Besides, supposing that it should happen, when the question of limitations was debated, that it should be the general opinion that the Prince of Wales ought to be sole Regent, without any restriction whatsoever; in that case, it surely would be most desirable to have the question of right decided first. Where, he should like to know, was the danger to arise from, which made either the discussion or the decision of that question mischievous? Could any noble Lord, who professed so much fear, lest the discussion should take place in the House, state a single symptom of the danger, or of the disapprobation of the People, shewn in any part of the country, on account of the very ample discussion which the question of right had undergone in the House of Commons? Was the disapprobation of the People occasioned by the decision in the House of Commons, to be found in the city of London? Was it to be found among the merchants of the city, who had advertised a meeting? Was it to be found in any city or great town throughout the country? A noble Earl had talked of Ireland; had he found it in Ireland, or did he really think it would be found there? Had another noble Lord found it in Scotland? Where then could be the danger of discussing it in that House? There could be none. He should repeat his wishes that it might be not only discussed but decided, that the eyes of all mankind might be opened to the important fact which must result from the discussion and decision, that the People had most essential rights of their own, but that Kings and Princes had no rights whatever. He wished it might be decided for the benefit of foreign countries, that those who suffered oppression under Governments the most despotic, might be taught their rights as men, and learn, that although their rights were
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not like the rights of Englishmen, secured by precedents and charters, yet that their rights must be acknowledged, as soon as ever they chose to assert them.

Since he had sat in Parliament, the Marquis declared, he had never given a vote more sincerely, with more heartfelt conviction, nor more conscientiously, than he should give his vote that night, in favour of the three resolutions, by which he hoped for ever to set at rest the claim of a right to a Regency in any man, be that man whom he might.

He next declared, that he could not suppress his astonishment at hearing noble Lords talk of the discussion and decision of that question tending to weaken the Regent's Government; the very reverse must be its effect; what could strengthen a Government more, than previously to its taking place, to have it declared, on the full authority of both Houses of Parliament, that the right of nominating a Regent rested in the People, and that the Prince of Wales was chosen Regent, not from any claim of right on his part to that distinction and that high office, but with the unanimous voice of a nation of freemen! Seen in this its true light, it was equally the interest of the Sovereign, and of the Prince of Wales, that the decision of the question of right should be first made in behalf of the People, and the Prince's right stand solely on the favour and fondness of the People, who chose him to rule over them.

No Government, said the Marquis, could be so strong, no accession to power so glorious, as that which originated from such a principle! Far beyond any advantage that could be drawn from a dark claim, unadmitted and unacknowledged, the Prince would have the benefit and the happiness of being appointed the head of a free People, by their own unanimous consent, and, thence, he might rest assured, that they would support him in his situation with their lives and fortunes, against any possible attack.

The Marquis observed, that it gave him pleasure to perceive that noble Lords' opinions had a little come round, and that the idea of the constitutional importance of the Royal negative delivered there, when bills were presented for the assent of the Crown, was not so unpopular as it had been, when he had endeavoured to maintain it some time since in that House. He said, that he had enquired of foreigners, what the Electorate of Hanover did on the present occasion, and he received for answer, that neither in Hanover, nor throughout all Germany, had any instance of the kind occurred.

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Lord *Loughborough* maintained the doctrine of the Prince of Wales's having a right superior, beyond all comparison, to the claim of any other man to the Regency, and that consequently the assertion, "that the Prince of Wales had no more right to the Regency than any other individual subject," was monstrous and absurd beyond all sufferance. It gave him pleasure to perceive what had passed in that House, and elsewhere, respecting opinions delivered by him on a former day; it could not be supposed that he could suffer the opportunity to escape without taking some notice of what he had alluded to. The noble Marquis who spoke last, had delivered many sentiments in which he perfectly concurred, but, as was frequently the case in debate, where different men agreed upon the same premises, and yet drew very opposite conclusions from each other, so he differed in the application of the inferences which were drawn from the premises, as established by the noble Marquis. He would state at what point it was, that the opinions of the noble Marquis and his own diverged from each other. He declared, that he grounded his doctrine respecting the right of hereditary succession to the throne, and, by analogy, the right of hereditary succession to the exercise of executive power, on Mr. Justice Foster's treatise on the principles of the Constitution; and he was ready to admit, that a right to hereditary succession to the throne, was not an original vested right which belonged, in the first instance, to one of a family, and was descendible to the heirs, in like manner, as descendible property of an ordinary description, but that it was made hereditary for the general benefit of the community, and to guard against the danger and mischief, resulting from the pretensions of a variety of claimants on the one hand, and the known and ascertained fatal consequences of an elective Crown on the other. With regard to the negative of the Crown in case of bills presented for the Royal assent, he agreed, also, with the noble Marquis, that the right of giving a negative in that case was an essential prerogative, which might be exercised as an insurmountable barrier between the Crown on the one part, and the two Houses of Parliament on the other; but then he must contend, that there could exist but one possible case, in which it might be maintained that a Prince of the House of Brunswick could be induced to exercise it, and that was, where the two Houses of Parliament should have meditated and carried into all the effect which they could of themselves give it, an attack on the rights of the Crown so repugnant to the sense and feelings of the people at large, that the King's pronouncing his negative on such a bill, when tendered for

the Royal assent, should be considered as a popular exertion of his prerogative. The resolution of right was designedly drawn, to cover a concealed purpose, different from that which the words of it professed to import. It was neither more, nor less than a declaration on the part of the two Houses, that the Regent was an elective office, and that the two Houses of Parliament were the electors. He denied that the precedents were in point, since, the Parliament convened on the death of Henry the Fifth, was a complete Legislature, consisting of King, Lords, and Commons; whereas, now they were only the two Houses, and had not considered themselves as a Parliament, the Speaker of the House of Commons having, though for his part he thought without occasion, doubted whether he had authority to issue a writ, not one of the standing orders having been enforced, and there not having been any votes printed, and various of the other forms which belonged to a regular session of Parliament not having been complied with. He doubted whether parliamentary privilege existed at that moment. He did not mean privilege of Peerage, because as their Lordships well knew, that always existed, but privilege as a Member of the other House. He asked the noble and learned Lord opposite to him, whether they could punish any man for a contempt, declaring that he was not clear, if a man committed for a contempt were to sue out his writ of *Habeas Corpus*, and be brought before him as a Judge, to be admitted to bail, whether he should or should not admit him, or remand him to custody? He believed, much as he respected their Lordships, and unwilling as he should be to incur the displeasure of the House, he should rather be swayed by fear of the man's bringing his action for damages, than by the danger of offending their Lordships and incurring the censure of the House, whatever it might be. He owned, that if the Parliament had been opened by a commission under the Great Seal, as stated by the noble Marquis, one difficulty would have been solved, but not the difficulty on the present question, which must have recurred, whenever it came under discussion. He recommended agreeing with the amendment moved by the noble Lord, as the readiest way of lessening their embarrassment, observing, that the Legislature, when compleat, would certainly possess a sufficient share of power to carry into effect any parliamentary proceeding, which was necessary for its own existence; and that any bill of limitations could be brought in and passed after the Regent should have been declared. He commented on the very slight grounds of difference of opinion amongst them; some had asserted that the Prince of Wales had

had an inherent right to the Regency; others that he possessed an irresistible claim, and others again, that he possessed neither, but was, nevertheless, the only fit person to be declared Regent. Being therefore agreed in the main point; he contended that they ought to proceed to carry that into effect, and not to waste more time about the mode of doing that, which, it was on all hands agreed, ought to be done forthwith. Extremely slight indeed was the analogy which the precedent of Henry 6th, in the 32d and 33d year of his reign, bore to the present time; and in support of this assertion, it was sufficient to adduce as an instance, the message which was sent to the sick King at Windsor, and his having been brought into that House, a prisoner and wounded, after the battle of St. Albans, where he was made captive by the Duke of York.

The *Lord Chancellor* objected against the amendment, and The Lord combated the various arguments which had been advanced in support of it; and for the purpose of invalidating the second and third resolutions. The noble and learned Lord (Loughborough) had questioned the existence of parliamentary privilege under the present circumstances of the two Houses assembling, and had stated his doubt in what manner he should be inclined to act, were a man, who had been committed for a breach of privilege, and had sued out his writ of *Habeas Corpus*, to be brought before him to be admitted to bail. Such questions were always disagreeable, and, at times, peculiarly unpleasant. In his mind, penalties and punishments of any kind, ought not to be annexed to mere error of judgment in Magistrates; but he would venture to say, that if such an instance were to occur to the noble and learned Lord himself, as a Judge, and he should think it is duty to refuse to admit the man to bail, and should be of opinion that it belonged to the public, that the man ought to remain in custody, the noble and learned Lord would do his duty, and remand him, without the least consideration either of the 500l. penalty, or the other penal provisions of the statute. The Lord Chancellor next proceeded to consider the words of the amendment which had been proposed, and declared that he was glad that they had not been of the noble and learned Lord's supplying, because he was sure they were not only irreconcilable to the noble and learned Lord's arguments, but such as conveyed no distinct or precise meaning whatever. Had those who proposed the amendment, been so good as to have explained what they meant, or accompanied the recital of the words of the amendment with any thing like a reason to shew their propriety and application, the House might possibly have known how to have treated them; as they

they stood at present, they were mere insensible words, conveying no distinct import. The words purported to be a resolution of that House, that an humble address be presented to His Royal Highness the Prince of Wales, praying His Royal Highness to take upon himself, as sole Regent, the administration of executive government. He begged to know, what the term Regent meant? Where was he to find it defined? In what law book, or what statute? He had heard of *Custodes Regni*, of Lieutenants for the King, of guardians and protectors, and of Lords Justices; but he knew not where to look for an explanation of the office and functions of a Regent. To what end then would it be to address the Prince of Wales to take upon himself an office, the boundaries of which were by no means ascertained? But the amendment attempted something which probably was intended as a sort of definition of the term Regent, and of the nature of a Regent's office, by adding, that what the Prince was to be prayed to take upon himself as sole Regent, was the administration of executive government; there again, however, the expression was dark and equivocal. What was meant by the executive government? Did it mean the whole Royal authority, did it mean the power of legislation, did it mean all the Sovereign's functions, without restriction or limitation of any kind whatsoever? If it did, it ought to have said so in express words, and if it had, would any noble Lord have contended, that such a broad degree of authority, as amounted to the actual dethroning of His Majesty, and wresting the sceptre out of his hand, ought to be voted by that House? He begged their Lordships constantly to recollect, that in the contemplation of law, the political character of a King of Great Britain was always whole and entire, and he desired them at the same time to keep in mind, that the King's natural character was inseparable from his political character. It was, as Sir Matthew Hale, who had been mentioned in the course of the debate, well observed, owing to this having been somewhat lost sight of, that so many mischiefs had ensued to this country. A King, even when a minor, as had been judiciously stated by a noble Marquis, was always, and in all circumstances, considered as competent to exercise the Royal authority, though, from the frailty of human nature, he might not be adequate to perform the duty of the executive government, whence it became necessary to provide for supplying that defect. Lord Thurlow adverted to the precedent in the early part of the reign of Henry the Sixth, and went through the particulars of the Bishop of Durham, then Chancellor, going to the infant King, when a child of
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nine months old, in his cradle, and delivering up the great seal, which was immediately put into the hands of the Master of the Rolls, who went into another room and put the great seal to a commission, empowering the Duke of Gloucester to call a Parliament together, and to a variety of other commissions; it being the custom for all commissions to cease on the demise of the Sovereign, so that if the step which had been taken by the great men of that day had not been adopted, there would not have been a Magistrate in the kingdom who could have acted. He stated the proceedings of the Parliament assembled by virtue of the writs then issued, which had been sent, the writs, for representatives of counties down to the sheriffs, and those for boroughs to the last returning officers. The very first bill passed by that Parliament, was a bill of indemnity to those who had made use of the great seal as he had described. He reasoned upon this fact, and contended for the close analogy which the precedent bore to our present situation. He justified the taking the advice of the two Houses of Parliament on the present occasion, as the best mode of proceeding; of old, when the number of Privy Counsellors was not so great as at present, and when it was not customary for His Majesty to have those persons Members of his Privy Council, whom he never chose to meet, in a dilemma like the present, the measures to be adopted for the public safety might originate there; and others there were, who thought His Majesty's cabinet council the proper place; he differed in respect to both. He had heard, indeed, of some antiquaries, who were of opinion, that, upon some emergencies, a middle council between the two, composed of the Judges and the King's Ministers, ought to be formed; but, the best council of all, in his judgement, was the grand Council of the Nation; and he begged their Lordships to recollect, that Ministers had risked something in suffering the two Houses of Parliament to assemble on the expiration of the proclamation of prorogation, and without giving four days notice to any individual Member of either House. It was now said, when the rights of the two Houses to supply the defect in the exercise of the Royal authority, were discussed and decided, and when they were called upon to concur with the House of Commons, in resolving the means which were to be resorted to for that purpose, that the two Houses were about to exercise the powers of executive Government, and to do an act of legislation. Had Ministers, of themselves, put the great seal to a commission for calling the two Houses together, and opened Parliament in that way, he was persuaded, that the charge of their being about to take upon themselves the executive

ecutive Government, would have been thundered in their ears ten times more loudly. He would tell that House what had been his opinion, when the unfortunate calamity which had put them under the present circumstances was first known. It was to resort to the grand Council of the Nation, and to call upon them, in the face of the Public, to act upon their own wisdom and authority.

With regard to the argument that political necessity ought not to be the ground of a proceeding of an extraordinary nature, because it was not so well known as moral necessity, the very reverse was the fact, political necessity being much better known than any other species of necessity, having been repeatedly made the ground of the most important proceedings to be found in their history; but, it was said, if, upon the principle of political necessity, they could in any one instance assume the executive authority, and legislate, they might push that unconstitutional practice much farther; so far indeed, that there was no knowing to what extent the doctrine might be carried. This he considered as idle and absurd, since the necessity which pressed went to one point only; and no farther; to the passing a bill to enable them to appoint a person Regent, and at the same time to define what was meant by such appointment, and under what specific limitations the Regency was to be carried on. That the unanimous voice of the Public pointed to one person only, and that this person was the Prince of Wales, proved, he should most cheerfully admit, a circumstance highly fortunate for the country. No man entertained a higher respect for the Prince than he did; he wished him as well as those who affected to be more mindful of his interests; but he would not, for that reason, argue that he possessed any inherent right to the Regency, or that the Prince of Wales, as Heir Apparent, could possess any such right. The Prince had a better interest in the Crown than he could have in the Regency; and it was all their duties to take care to preserve the crown safe on the head of the Sovereign, in order that when, in a due course of nature, it should descend to the Prince of Wales, he should receive it solid and entire, as it had been worn by His Majesty previously to his present infirmity. The joint interests of the King upon the throne, and the Heir Apparent who was to succeed to it, were what they were bound to watch over and preserve. The Chancellor took notice of the precedent of Edward the Second, who had fled towards Ireland, and was taken near Beaumaris, and when in custody as a prisoner, was sent to by Mortimer and the Queen, who besought His Majesty to let them have the great seal, to use it *ad conservandum pacem regni, et ad exhibendum justitiæ*; but when they got it, they had influence enough

over the imprisoned King, to make him, on his own part, declare that he delivered it not merely *ad conservandum pacem regni, et ad exhibendum justitiæ*, but *pro gratia*; and it was used *pro gratia*, with a witness; for, the Queen and Mortimer put the great seal to writs, by the authority of which, they sold half the demesne lands of the Crown. The Chancellor spoke of the high qualities of the Prince of Wales in terms of great praise; but, he said, there might be Heirs Apparent, whose lives might have afforded the two Houses sufficient reason for setting them aside from the Regency; he maintained, therefore, that it was expedient that the two Houses should not abandon such a power, nor, under the circumstances of the case, avoid avowing it to be their right. He observed, that those noble Lords who had talked of the right of the Prince of Wales to the Regency, had not ventured to argue it, but had said, as all men were agreed that the Prince of Wales, whether he had any right or not, ought to be the person appointed Regent, the wisest way would be for that House to address him immediately, to take upon him, as sole Regent, the administration of the executive Government. He contended, that were such advice fit to be followed, even the two Houses would be under the necessity of legislating for themselves; and yet the very persons who gave such advice, upon arguing the third proposition, allowed that if they attempted to legislate in a single instance of unavoidable and pressing exigency, the statute of the 13th of Charles II. was directly in their teeth. He agreed with the Marquis of Lansdowne as to the constitutional importance of the Crown's having a negative, when bills were tendered for the Royal assent, declaring, that he not only concurred entirely with the noble Marquis on that point, and had thought himself indebted to him for the pains which he had taken, on a former occasion, to point out the utility of such a power being lodged in the Crown; but was satisfied, in his own mind, that, so far from that being a power which no Prince of the House of Brunswick was likely to exercise, a day would occur, sooner or later, in which the salvation of the constitution and the country might depend on the Royal exercise of that truly important prerogative. In his opinion, it was evident that the interests of the Prince of Wales would be best served, by acceding to the resolutions, and grounding a bill upon them, in which the degree of authority, and the nature of the functions to be vested in the person who was to stand between the Crown and the two Houses of Parliament, should be precisely marked and ascertained, as well as the extent of the limitations which the exigency of the case might require.

Lord

Lord Rawdon defended the words of his motion from the imputations cast on them by the Lord Chancellor, and justified them on the ground of propriety and appositeness.

The House divided on the question, that the words of the resolution, as originally moved, stand part of the question.

Ayes, 99. Noes, 66.

The second resolution was then read, and the previous question being moved, it was determined in the negative; the question was then put upon the second resolution, and it was affirmed.

The third resolution was next read, and being objected to, the question was put, when the question was affirmed.

The report of the resolutions was made to the House by Lord Onslow, and the same was ordered to be taken into farther consideration upon the Monday following.

The House adjourned.

The following is the List of the Division on the Question of the Amendment to the Resolutions..moved by Lord Rawdon.

C O N T E N T S.

The Dukes of York	Earls Spencer
Cumberland	Fitzwilliam
Norfolk	Viscounts Hereford
Bedford	Bolingbroke
Portland	Maynard
Devonshire	Hampden
Northumberland.	Lords Audley
Marq. of Townshend	St. John
Earls of Derby	Clifton (Earl of
Huntingdon	Darnley)
Suffolk	Teynham
Carlisle	Craven
Sandwich	Boyle (Earl of Cork)
Stamford	Hay (Earl of Kin-
Exeter	noul)
Peterborough	Cadogan
Shaftesbury	Stawell
Plymouth	Monson
Jersey	Chedworth
Searborough	Ponsonby (Earl of
Buckinghamshire	Esborough
Hertford	Walpole
Ilchester	Pelham
Abergavenny	Egmont
Earl Cholmondeley	Vernon

Lords

Lords Cardiff

Hawke

Foley

Loughborough

Portchester

Rodney

Rawdon

Douglas (Duke of
Queensbury)

Malmbury

Scots Peers.

Earls of Eglintown

Cassillis

Selkirk

Breadalbaine

Viscount Stormont

Lord Kinnaird

Bishops.

Bishop of Winchester

Landaff

Bristol.

Marq. of Lothian

NOT CONTENTS.

The Dukes of Richmond

Beaufort

St. Alban's

Brandon

Chandos

Bridgewater

Newcastle

Montague

Marquisses of Stafford

Lansdowne

Earls of Salisbury

Denbigh

Westmoreland

Winchelsea

Chesterfield

Essex

Doncaster

Abingdon

Gainsborough

Rochford

Coventry

Pawlett

Oxford

Aylesford

Suffex

Stanhope

Macclesfield

Kerr (D. of Rox-
burgh)

Waldegrave

Effingham

Harrington

Warwick

Earls of Darlington

Harcourt

Fauconberg

Delaware

Radnor

Chatham

Bathurst

Aylesbury

Clarendon

Leicester

Uxbridge

Norwich (Duke of
Gordon)

Talbot

Strange (Duke of
Athol)

Viscounts Howe

Weymouth

Falmouth

Edgecombe

Lords W. de Brooke

Howard of Walden

Osborne (Marquis of
Carmarthen)

Middleton

Onslow

Romney

King

Montford

Fortescue

Scarfdale

Boston

Digby

Lords Sundridge (Duke of
Argyle)

Amherst

Rivers

Thurlow (Chanc.)

Harrowby

Brudenell

Walsingham

Bagot

Sydney

Lovaine

Carteret

Elliot

Bulkeley

Somers

Berwick

Delaval

Kenyon

Hawkesbury

Dover

Earls of Moray

Galloway

Hopetoun

Lords Elphinstone

Cathcart

Bishops.

Archbishop of Canterbury

Bishop of London

Durham

Bath and Wells

Carlisle

Salisbury

Peterborough

Worcester

Chester

Lincoln

Bangor

Gloucester

St. David's.

Scots Peers.

Earl of Morton

The following Peers, who would have voted with the minority, were absent, on account of illness, though in town:

The D. of Gloucester

Earl of Egremont

Lords Sandys

Grantley

Monday, 29th December.

Lord Rawdon. Lord *Rawdon* observed, that he did not mean to trouble the House, by adverting to any former arguments, as he had fully stated in the Committee what occurred in his mind in defence of his amendment, and had not heard any thing which appeared to him a sufficient answer; yet, as he understood that he could not have his motion entered on the journals, unless he moved it again, he would desire that the question might be put upon it, and to this he was urged merely from matter of form, and not a design impertinently to intrude.

The words moved by way of amendment, to be added to the first resolution, were then read, and, upon the question put, negatived.

The first and second resolutions were then severally read, and agreed to.

Ld. Hay. On the question being put on the third resolution, Lord *Hay* (Earl of Kinnoul) remarked, that in despite of his conviction, that after the very able and weighty arguments

ments which had fallen from different noble Lords, in the debate in the Committee, his reasoning could not possibly alter their Lordships' opinion on the question ; yet, feeling its importance, and considering the third resolution as inimical to the Constitution, and as tending to authorize His Majesty's Ministers to set up a fourth Estate, he could not resist the opportunity of delivering his sentiments on the subject. His Majesty's melancholy situation, naturally, would first present itself to the minds of all men, and respecting it, there could be but one sentiment : universal regret, accompanied with the most ardent and sincere wishes, that the health of our beloved Sovereign might be soon re-established, and that he might be speedily restored to his loyal and affectionate Subjects. Lord Kinnoul added, that he had deprecated the discussion of the question of right. It had been agitated without a sufficient parliamentary ground ; because a noble Lord in that House, and an honourable gentleman in another, had casually alluded to it in their speeches, and because rumour had breathed upon it abroad. Would their Lordships substantiate a shadow ? Would they make the idle buzz of the streets the ground-work of their proceedings ? He adverted to the precedents that had been relied on, because the circumstances of them were in some respects similar to those of the present crisis. He asked whether their dissimilitude ought not to have as much weight as their similarity. Though it had been laid down by an high authority in that House, that there was no difference between an Heir Apparent, and an Heir Presumptive ; he must, unlearned as he was, refuse his consent to the noble and learned Lord's doctrine. An Heir Presumptive, their Lordships well knew, was that sort of heir, whose pretensions to the succession were liable to be of no avail, by the possibility of another heir arising, to the exclusion of the Heir Presumptive ; whereas an Heir Apparent had no competitor. An Heir Presumptive, if he was an ambitious man, might aspire to a right that eventually would not have devolved on him, had not his own unjust projects and machinations acquired it to himself, by means the most indirect. An Heir Apparent was under no necessity to have recourse to such conduct to secure his right ; because he knew, that in the common course of nature, it must come to him. One observation had fallen from the noble Viscount near him, that struck him as an unanswerable argument against the resolution ; and he the rather thought so, as he observed no answer had been given to it. What he alluded to was, the noble Viscount's declaration, that every commission for giving the Royal assent to bills, must have the authority of the King's Sign Manual, and that, not merely as a matter of practice, which

might be dispensed with at the option of the Crown, but by the directions of an express statute. He desired the Clerk to turn to an act passed in the 33d of Henry the Eighth, from whence the clause was read.] He reprobated the intention of limiting the Regent, and subjecting him to restrictions, contending that they might, with equal policy and propriety, limit and curtail the Sovereign authority of the Crown itself. The Royal prerogatives were not given to the Monarch himself, they were not granted to gratify his pride, and satiate his vanity, but for the benefit of the community, for the Public good, which would necessarily suffer by their being abridged and curtailed, when in the hands of a Regent, as in the hands of the Sovereign himself.

Lord
Kinnaird

Lord *Kinnaird* rising next, called upon Ministers, as friends to the third proposition, for some explanation of its meaning and import. His Lordship said, that he had, at a very late hour of the former night, entreated their Lordships to pause before they permitted a resolution of such infinite importance to pass any stage whatsoever in their House. He trusted that it was only the very long debate, which, for so many hours, had occupied their time, that prevented a fair discussion of this extraordinary resolution, and as their Lordships were still competent to such a discussion, so was it truly their duty to engage in it. For his part, notwithstanding every attention that his mind was capable of, not only to the words of the resolution, but to the little explanation that had been given of it within these walls; he was not able, with any kind of accuracy, to guess, either at the object it proposed, or the mode of attaining it. He should very earnestly entreat some noble Lords, friends to this motion, and in habits of intimacy and connection with the original mover of it, in another place, to explain to the House, the intent, purport, and meaning of it, so that he might avoid trespassing on the patience of the House, by combating intentions, which, perhaps, had no existence, but in his misguided conception of the terms of the proposition. In anxious hope that the House might be favoured with such an explanation, he should sit down, trusting, that if no such explanation was given, he should be indulged with the liberty of stating his conjectures respecting the meaning of the resolution, and his objections to it. His Lordship then sat down, but no answer whatsoever having been given, he then stated, that if the conjectured meaning, which he should presume to put upon the words of the third resolution, were not such as was intended by the framers of it, their Lordships would lay the blame on those, who, having it in their power, did not chuse to indulge the House with any explanation whatsoever. He professed himself exceedingly at a loss how to treat this proposition. A noble

ble and learned Lord had, the other night, in his emphatic manner, and with considerable asperity, arraigned the amendment proposed by his noble friend, (Lord Rawdon) as being couched in insensible terms. Might *he* be permitted, after so great an example, to take the liberty of declaring, that the proposition under their immediate consideration, was truly couched in insensible terms, and most probably was so done on purpose; for, on reading it, one finds one's self obliged to change one's opinion of its purpose, or else one must conclude with supposing, that the latter part has no connection whatsoever with the first. The proposition sets out with a profession of the most laudable purpose, viz. to maintain the constitutional authority of the Crown: but how? by determining on means which, as had been declared by the former resolution, it was their duty to provide, whereby the Royal assent might be given to such bill respecting the exercise of the Royal powers and authorities. His Lordship asked, if it was possible for obscurity to be more completely enveloped in itself? What! declare that they were to determine on the means which they had just before declared they were to provide, whereby the Royal assent might be given? Had not their Lordships, a moment before, come to a resolution respecting the unhappy capacity of the Monarch? and, therefore, the Royal assent was not to be obtained, but by the exercise of the Royal authority, by some one or more persons. No, that was not the intention; for, there were to be a bill or bills, he could not guess which, respecting the exercise of the Royal powers and authorities; and, it had been supposed that the Royal assent was to be given, under the sanction of the resolutions of the two Houses, by a commission under the great seal, to these bills. What! without the sign manual of the Monarch! and *that* was declared impossible at present, directly in the face of an act of Parliament, so aptly quoted by his noble friend near him (Lord Kinnoul) the 3^d of Henry the Eighth. Were the two Houses of Parliament, by their ordinance, to take upon them to order the great seal to be put to the commission, and the sign manual to be forged, how could they reconcile it to the meaning of the statute of Charles the Second? In short, whatever way she steered, the vessel must be wrecked; in avoiding Scylla, she goes to pieces on Charybdis. It was correctly stated, and ably argued by a noble and learned Lord near him, that the measures which necessity creates, necessity limits; but, was it possible to justify the aiming so fatal a blow at the principles of the Constitution, by the present calamitous necessity? was there no other mode of filling up the melancholy chasm which deprived them of energy, but by making the two Houses do that, which they can only do when in
their

their perfect state of two Houses of Parliament, in Parliament assembled, viz. legislate, and that, too, when they were so mutilated indeed, as to render it extremely doubtful whether they were inchoate: the least possible excess of their powers, in their present state, was to address and resolve; to legislate was the highest function they were capable of, and therefore it ought to be the most sacred. That their Lordships and the other House had the power to adopt this mode of proceeding, he did not deny; but he doubted much if they had the right; and power did not always implicate right; and if they did adopt it, he presumed, the very first bill that would be brought in, after the two Houses should be in Parliament, would be a bill of indemnity; and highly necessary would it be for those who were under the orders of the two Houses, to usurp the exercise of the authorities of the Crown, under the pretence of maintaining them. It would be but fair and candid that their Lordships should be informed in whom the exercise of these regal powers and authorities were to be vested. The resolution afforded no clue to guess. Every man, in conversation and in speeches, had declared, that it could be in no person but the Prince of Wales. He trusted in God, and he verily believed, that, from one end of His Majesty's dominions to the other, there was not a dissenting voice, respecting the Regency of a Prince, on whose qualities it would be arrogance in him to descant; but, nevertheless, he could not help saying, that the awful example of filial affection and unremitting attention which they had beheld, could not fail of impressing the minds of all men with the consolatory presage of the exercise of such virtues towards a sympathizing nation. Their Lordships had many precedents laid on their table, and much stress had been placed on them: but, why were there not any produced to sanctify this proceeding? Because the only precedents that bore any analogy to such a proceeding, made directly against it. Their Lordships were aware, that he alluded to the proceeding on that subject, which took place in the year 1641, when the Judges were referred to, and returned this answer: That such a commission to give the Royal assent to bills, would be good, if backed by an act of Parliament, and the resolution of the Commons. The ancient and constant course, in all times, has been, to have a Locum Tenens in the King's absence, a Parliament then sitting, and not limited to any particular matter. The plan proposed by this resolution, as he conceived it, was inefficacious, clumsy, circuitous, and unintelligible, inasmuch as the appointment of the Custos Regni might be subject to dubiety, in respect to its legality, having originated in a direct illegal assumption of power on the part of the two Houses

Houses of Parliament, by their directions to the great seal; and, therefore, it was a positive breach of the Constitution; clumsy and circuitous, because a great number of proceedings must be had, in order to sanctify the transaction, and clear up the confusion in which it must necessarily be involved; and ineligible, because, although he meant not to impute to the framers of the plan, a suspicion of the august Personage who is to be invested with the Regency; yet, when that which must appear upon the journals of the Parliament, which he hoped would ever continue to be, as had been emphatically expressed by a noble and learned Earl, the law of the land; and when the history of these times might be reckoned little better than anecdote, posterity might be apt to conjecture that there must have been strong reasons, indeed, which could have induced the two Houses of Parliament to adopt such a plan. There had been no pretence set up in justification of this measure being preferred to that of address, except the impropriety of vesting his Royal Highness with the exercise of the Royal authority, before the terms on which he was to exercise it were prescribed. If any limitations or restrictions were, by the sound judgement and good sense of that and the other House of Parliament, thought to be indispensably necessary, was there any of their Lordships who could believe it possible that such a bill would not receive the assent of him who had the power of exercising the Regent authority? His Lordship did not mean to allude to the eminent qualities of the present Prince of Wales; but supposing a Prince of Wales of a very opposite character, could such a suspicion be entertained? What! were the constitutional energies so very feeble, as to permit them to entertain such a dread? If, contrary to every idea he had on the subject, any noble Lord harboured such a sentiment, he hoped he should hear the grounds of such an opinion stated; because, if well founded, surely, that equipoise of these branches of the Legislature, on which the admiration of the British constitution was founded, must be miserably misunderstood. He entreated their Lordships not to give a deadly blow to the substance, by sacrificing at the shrine of legal fiction, when they might find so safe and sure a guide in the broad analogies of the Constitution; a fiction which bore no analogy to the laws of that part of His Majesty's dominions which his Lordship had the honour to belong to, and which, therefore, he scarcely supposed would be relished or well understood, although the precedent of the Revolution certainly was not applicable, in all its parts, to the present embarrassing state of the country, yet thus far it was so in substance. Their Lordships had declined the suspension of Regal executive Government; and, why would they

they not imitate the wisdom of their ancestors in the next step, by completing the three estates of the Legislature, by an address to the only person within the Realm, to whom they all looked up to take upon himself the exercise of the Royal authority, as a trust for the benefit of the People, in the name and in the behalf of His Majesty? By following such an example, their Lordships could never be disgraced; as the character of those who completed that glorious event, must ever be entitled to the admiration of every citizen of the British empire.

Earl of
Suffolk.

The Earl of *Suffolk* observed, that he could not avoid reprobating the resolution, on account of its apparent tendency to subvert the Constitution, where there was no occasion to have recourse to such a project. While they were wasting time in debating abstract questions of theory, what, he asked, must be the situation of the Prince of Wales? Their discussion of the question of right had been altogether idle and unnecessary, as no right had been set up in opposition to the right of the two Houses; and they had heard from the highest authority, and in a manner that could not but have impressed them all with the most profound reverence and respect, that no claim of right would be brought forward by His Royal Highness. He reprobated the assertion, that any other person could have an equal right to the Regency with the Heir Apparent, as a doctrine in the highest degree unconstitutional. He spoke of the idea of limiting and restraining the Regent, and investing him with only a portion of the Royal authority, as an idea equally repugnant to the known law of the land, and the principles of the Constitution. But even allowing, for the sake of argument, that some limitation would be proper, where were the energies of the Constitution, if they could not pass such a bill as the occasion might require, after the Regent was declared? Upon this occasion, he should beg leave to submit to the attention of their Lordships, an observation from Monsieur de Lolme, an acknowledged admirer of the equilibrium of the British Constitution, who, in confirmation of his argument against portioning out the Regal authority, says,

“ And, I shall take this opportunity to make the reader
“ observe, in general, how the different parts of the English
“ Government mutually assist and support each other. It is
“ because the whole executive authority in the State is vested
“ in the Crown, that the People may without danger dele-
“ gate the care of their liberty to representatives; it is be-
“ cause they share in the Government only through these re-
“ presentatives, that they are enabled to possess the great
“ advantage arising from framing and proposing laws; but,
“ for this purpose, it is again absolutely necessary that the
“ Crown

“ Crown, that is to say, a veto of extraordinary power, should exist in the State.”

In conclusion, the Earl of Suffolk observed, that the virtues of the Prince of Wales afforded the best security for his good government of the country during his Regency; and, more than painful would prove the consequences of depriving the Prince of the free exercise of his will in the choice of his servants, and forcing him to employ those Ministers, whose unceremonious treatment of him, must have rendered them disagreeable to His Royal Highness to be connected with. So violent a procedure would at once destroy all confidence in their measures, and thus render a vigorous Government impossible. The idea of subjecting the Prince to limitations, reminded him of what had been said, on a former occasion, when a bill for restraining the prerogative and reforming the civil list, had been in agitation. The words then were: “ If you proceed to take away so much of the just rights of the Crown, you will render it unfit for a gentleman to wear.” With equal truth might he remark, upon the present occasion, that if they fettered the Regency by unconstitutional and, of course, censurable restrictions, they would render it not a fit object for the acceptance of a gentleman.

The Duke of Norfolk remarked, that he felt it impossible to avoid complaining, as noble Lords had done before him, of the silence of His Majesty's Ministers, respecting the meaning of the third resolution; and he declared, that if he had no other reason for giving his negative to it, that alone would be a sufficient ground for him to oppose it. Ministers had treated that House with great indecency. Unfortunately situated as they all were, His Majesty's Ministers had only that House to consult as the grand Council of the Nation; they could not, it was confessed on all hands, consult His Majesty, as had formerly been the case, and therefore, in a moment of emergency like the present, they ought to have stated to the House the whole of the plan they meant to pursue, that their Lordships, as constituting the great Council of the Nation, might be enabled to discharge their duty and exert their wisdom in furnishing such advice to Ministers as the exigency of the case might require. Another matter struck him as worth inquiry, which was this; however much they had affected to differ respecting the right of the Prince of Wales, and the rights claimed by the two Houses of Parliament, the discussion of which, he, as well as many other Lords, had deprecated, as unnecessary on the one hand, and mischievous on the other, His Majesty's Ministers had, one and all, declared, that, in their opinion, only one person ought to be entrusted with the Royal authority, and with

the reins of executive Government, and that person, they had said, was the Heir Apparent. This being the case, he desired to know if His Majesty's Ministers had consulted the Prince of Wales in respect to the steps already taken on the subject? If they had not, in his opinion, they had treated His Royal Highness with very little respect or decorum, and had acted in a manner inconsistent with themselves.

Duke of Richmond The Duke of *Richmond* said that, with regard to the third resolution, he had not the smallest difficulty in telling the noble Lords what he conceived to be its meaning, and that was all he could undertake. He conceived the plan to be pursued, under the authority of the third resolution, to be simply this: to issue a commission under the great seal, empowering Commissioners to open the session of Parliament; then to pass a bill, enacting the nature of the office to be exercised by the Regent, and providing the powers necessary for the due and effectual exertion of his authority; and when such bill had gone through its several stages, and was ready for the Royal assent, to issue another commission, appointing and empowering a Commissioner, in His Majesty's name, to give the Royal assent to such bill. With regard to the charge made against His Majesty's Ministers, of having treated that House with indecency, by not having stated to them the plan they intended to pursue, he really was at a loss to guess on what part of the conduct of His Majesty's Ministers, on the present occasion, the noble Duke grounded his censure; every step that His Majesty's Ministers had taken, having been public, and having met with the concurrence of their Lordships. As to the other charge, that of not treating the Prince of Wales with due respect and decorum, he did assure the noble Duke that he, as one of His Majesty's servants, felt the force of the remark deeply, and should be as ready as any man to acknowledge, that if Ministers did not communicate both to that House and to His Royal Highness, every measure they meant to take respecting the Regency, they would act with a very unbecoming degree of disrespect; but, the noble Duke would be so good as to recollect, that the business of that day, and the business they had hitherto been engaged in, were each of them of a very different nature from that matter. They had hitherto been employed in ascertaining their own powers, and enquiring what they had a right to do, and what they had not. The vote of that day, he trusted, would decide the point, and then the next thing would be, to proceed, in a parliamentary way, to the carrying their object into effect.

Lord Portchester. Lord *Portchester* observed, that it was evident, from what had fallen from the noble Duke, that the House had been called upon to vote what, after all, they had it not in their power

power to perform. The two Houses might pass a bill, undoubtedly, through the several parliamentary stages, but nothing could be more clear than that they could not give it the Royal assent, because that important act must depend on the will of another, on the will of the noble and learned Lord on the woolsack. Before, therefore, they did so absurd a thing as to put themselves into a situation that might possibly only prove their imbecility, and load them with disgrace, they ought to be well assured, that the noble and learned Lord would obey the directions of the two Houses, let them be what they might, or go to what extent they would; for, to that degree of obedience, was it necessary for the noble and learned Lord to pledge himself, before their Lordships consented to the third resolution. He called, therefore, on the noble and learned Lord to stand up, and give the House satisfaction, in a point of so much importance, before they proceeded any farther. He did not suppose he should receive any answer; but the question was a fair one, and the House had an undoubted right to expect a satisfactory reply. He knew the noble and learned Lord had too manly a mind to consent to perform an act which he, in his conscience, thought wrong; and, therefore, it was the more necessary previously to know his sentiments.

Viscount *Stormont* declared that he had felt the necessity of having some answer to the question put to Ministers by the noble Lord near him, relative to their intended proceeding under the authority of the third resolution, but he was aware of their difficulty; he knew they must answer, "We cannot inform you what step we shall yet take, because our gracious instructors, the House of Commons, have not yet told us what we are next to do." This was one of the various inconveniences resulting from the circumstance of the House of Commons having taken the lead in the whole proceeding, and their Lordships having the humble duty of treading over the same ground after them. This circumstance had been said to have been purely accidental, and he hoped it was so. He declared he did not regret the degree of power to which the House of Commons had, of late years, arrived; because he well knew that it was, on that account, the best security for our liberties, the truest bulwark of the Constitution! He did regret, however, that their Lordships lost so much of their authority, as not to have taken the lead, in a proceeding, which, of all others, came most properly within their province; but of that he would say no more at present. The noble Duke, he must observe, was rather incorrect in his recollection, since only one of the resolutions had been debated on Friday, and it had been expressly agreed, when the second and third resolutions were voted, at midnight,

not to debate them at that late hour, but that upon the report, it would be open to every noble Lord to discuss the whole of the resolutions; if he had thought proper, therefore, he, or any other noble Lord, had an undoubted right to have considered the present as an adjourned debate, and to have gone into the argument at large. A noble Lord near him had well observed, that the third resolution, after they had voted it, could not be carried into effect by any powers possessed by the two Houses, but must depend on the will of another person. Lord Stormont put the case, that the two Houses should pass a bill for limiting the Regency, and when they had done so, should call upon the person holding the great seal to annex it to a commission, and give the Royal assent to the bill, and that person should stand upon his right, and refuse to forge the great seal to such a commission. In that case, would the two Houses force the holder of the great seal to obey? would they pass a parliamentary censure upon him, or how would they proceed? It seemed needless to dwell upon the embarrassment which such a circumstance would occasion, or contended that it was by no means improbable to occur. Lord Stormont next took notice of what had fallen from a noble and learned Lord on Friday, on the subject of state necessity, declaring that he thought he had heard the noble and learned Lord express a doubt, whether state necessity had not been the plea on which ship money had been formerly levied. He referred to Lord Clarendon as a person whose authority might safely be relied on, in regard to the whole of that transaction, his Lordship having been one of the managers of the impeachment sent up to that House from the House of Commons, against the Judge who gave the infamous decision on that question. He stated the particulars, mentioning that the King desired to know, "If he had any right?"—When the answer was, "That His Majesty had a right, when the State was in danger, of which he was the sole judge." This was, he maintained, exactly similar with the present proceeding. The third resolution, he confessed, pointed only at one bill, but it nevertheless involved in it all the considerations of executive Government, and proceeded on the plea of state necessity to desire to be entrusted with the Royal authority to an uncertain extent, limited by nothing but the discretion of Ministers themselves. He suggested the difference between physical necessity and state necessity, and argued that the latter should always be governed by the former; in the present instance, there was, he said, a sufficient degree of physical necessity for the two Houses to do something, but not to go the extent assumed in the third resolution on the plan of state necessity. He adverted to what

what had fallen from the Duke of Richmond in a former debate, relative to His Majesty's situation, when, upon his recovery, he should find all his servants gone, and his political system changed; and, after a few observations on the restrictions likely to be imposed on the Regent, declared that this was the last time he should trouble the House on the subject of the resolutions; that he was perfectly content to leave the argument where it stood, having seen those who had affected to stand up for the Royal authority, assassinate that authority, and stab the sovereign power with the King's own hand, in a manner which could reflect no honour on themselves. He was content, the rather from a consciousness of having been left in a minority, the largest in point of number, and the most respectable for the talents of many who had made a part of it, of any minority ever known in the history of Parliament. He would only farther trouble their Lordships, by desiring them to call to mind the conduct of those who, in the commencement of what was called the long war, had resisted the measures then taken, and given their advice against them. Much were it to be wished, that such advice had been followed, because, as they all then knew, had that been the case, those proceedings, which at last ended in the ruin of the Monarchy and the Constitution, might have been prevented; in like manner, if the advice which had been given from the side of the House on which he stood, had been taken, much future mischief might, probably, be prevented from taking place.

The Duke of *Norfolk* said, that the noble Duke near him Duke of Norfolk. had not given him a satisfactory answer. He had before, and did still charge Ministers with having acted in a manner inconsistent with themselves, if in the proceedings they had already taken, they had not consulted His Royal Highness the Prince of Wales: but, the noble Duke had only answered, that, in the proceedings which remained to be taken, His Majesty's Ministers meant to consult His Royal Highness. He arraigned Ministers for their conduct hitherto, and retrospectively, as well as for the conduct which they appeared determined to follow in the subsequent stages of the proceeding.

The Duke of *Richmond* answered, that before the resolutions should have received the sanction of the House, it was Duke of Richmond impossible to have consulted the Prince of Wales, as to the steps which the House ought to pursue. Their right to take any one step whatever, had been questioned; and therefore it would have been idle, before the right was decided, for Ministers to have proceeded in any way whatsoever. The question of right once decided, they would, undoubtedly, proceed to the object itself. For his own part, he had not the

the smallest intention to charge either the noble Duke or the noble Earl (Lord Suffolk) with any design to poison the mind of His Royal Highness the Prince of Wales against any particular set of men. His Royal Highness was a man of sense and judgement, and he would chuse for himself, and would chuse, undoubtedly, on public, not on private motives. He would only say, that if an intention were formed any where to poison the mind of the Prince against any set of men whatever, it was the most diabolical attempt which could be conceived; it was injurious to the interest of the Prince, injurious to the interest of the country, and scandalous to the last degree.

**Lord
King.**

Lord *King* controverted the idea of Lord Stormont, that Ministers had stabbed the Royal authority with the King's own hand. He observed, that it had been said that the present was not a Parliament regularly called together; an assertion which he reprobated. The present Parliament had been as regularly called together, as any that ever sat.

The question was put, and agreed to, and a conference desired to acquaint the Commons therewith.

The House adjourned.

The preceding Debate gave occasion to the following

P R O T E S T.

Die Lunæ, 29 Dec. 1788.

The order of the day being read for taking into consideration the Report from the Committee of the whole House appointed to take into consideration the State of the Nation and the resolutions of the Commons relative to His Majesty's indisposition, and the means of supplying the defect of the personal exercise of the Royal authority arising therefrom, delivered at a conference on the 23d instant, which were referred to. And the Report of the said resolutions being read by the clerk,

Moved, "To agree with the Commons in the said resolutions."

The question was put thereupon.

Resolved in the affirmative.

Dissentient,

1st. Because we adhere to the ancient principle recognized and declared by the act of the 13th of Charles the Second, that no act or ordinance, with the force and virtue of a law, can be made by either or both Houses of Parliament, without the King's assent, a principle standing as a bulwark to the People against the two Houses; as the two Houses are their security against the Crown.

2dly.

2dly. Because this principle is tacitly admitted by the third resolution, while it overthrows the practice by a simulate appearance of the Royal assent under a commission to pass bills, a commission which would be inconsistent with the provisions of an act of 33d Henry the Eighth, requiring that every commission shall be signed by His Majesty's hand. In our present unhappy situation, that essential requisite being unattainable, we cannot condescend to give a sanction to a counterfeit representation of the Royal signature, and we dare not assume a power to dispense with the law which makes that signature essential to the validity of a commission to pass bills.

3dly. Because we conceive that the unquestionable rights of the People, so fallaciously represented as being upheld by these resolutions, are violently infringed by an unnecessary assumption on the part of the two Houses of powers beyond those which the Nation have assigned them. Invariable practice, in all good times, and positive laws established by complete Parliaments, truly and constitutionally representing the Nation, have defined these powers. And we cannot but regard with the utmost apprehension any proposal to overstep those boundaries, when the consequence of such usurpation is so fatally marked in the history of our country.

4thly. Because it was confessed in the debate, that the powers of this commission were not to be confined solely to the act of appointing a Regent; to what other purposes they may extend were not explained. State necessity, the avowed ground of the measure, may serve as the pretext to any diminution of the just prerogatives of the Crown, or of the liberties of the People, that best suits the designs of ambition. Fatal experience had shewn to our ancestors the boundless mischiefs of power thus usurped under plausible appearances; and it is particularly the duty of the House of Peers to check the renewal of a practice to assume the name, without the substance, of the Royal authority, by which this House was once annihilated, the Monarchy overthrown, and the liberties of the People subdued.

5thly. Because these dangerous and alarming consequences of the measure adopted would have been obviated by the amendment rejected. It proposed to substitute a measure conformable to the practice of our ancestors at the glorious era of the Revolution. They seized not upon public necessity as a convenience for the usurpation of new powers, but proceeded in a plain and explicit form to the revival of the Royal authority with full efficacy, before they entered upon the exercise of their legislative functions. Pursuing a similar course, the amendment proposed the immediate nomination of the natural representative of the King, the Heir Apparent
of

of the Crown, to whom alone it was universally admitted the eyes and hearts of all men, during the present unhappy conjuncture, were turned ; that with a perfect and efficient Legislature, such future provisions might be enacted, as the preservation of the full and undiminished authority of the Crown and the liberties of the People may require.

FREDERICK	Portland
HENRY	Hereford
Northumberland	Cholmondeley
Suffolk and Berks	Foley
Maynard	Boyle
Rawdon	Lovel and Holland
Audley	Abergavenny
Clifton	Teynham
Chedworth	Hampden
Wentw. Fitzwilliam	Bedford
Walpole	Cadogan
Derby	Carlisle
Scarborough	Cassillis
Portchester	Cardiff
Southampton	Hay
Hertford	Kinnaird
Plymouth	Loughborough
Ponsopby	Pelham
Spencer	Devonshire
Norfolk, E. M.	Chr. Bristol
Breadalbane	Craven
Malmesbury	Huntingdon
Rodney	Lothian
Selkirk	Townshend

Thursday, 1st January, 1789.

The Lord Chancellor and Lord Sydney having understood, from undoubted authority, before the House went to prayers, upon the preceding day, that the indisposition of the Speaker of the House of Commons would most certainly prevent him from attending his duty on the morrow, it was therefore moved to adjourn till the Monday following.

As soon as the Lord Chancellor had taken the woofsack, and Lord Sydney had moved the question of adjournment,

Duke of
Norfolk.

The Duke of *Norfolk* observed, that he had been informed that the Speaker's indisposition was such, that it would be as much impossible for him to attend on Monday next, as at the present moment. He therefore begged to be informed, by any of His Majesty's servants, whether it was meant, in the present situation of public affairs, to bring forward the bill

bill in that House, which, had not the illness of the Speaker prevented, was to have originated in the other House.

Lord Sydney begged leave to assure the noble Duke, that he had rather surprised him in what he had asserted respecting the Speaker's illness, who, so far from not being able to attend the House upon the ensuing Monday, he had learnt, since he came down to the House, was much better than he had been the day before. As to what the noble Duke had said respecting the other business, it was not in his power as yet to speak with information upon the subject. Lord Sydney.

The Lord Chancellor desired the noble Duke to rest convinced that he, for his own part, would not prove the cause of needless delays; yet, he felt it impossible to give an explicit answer to the question of the noble Duke, not knowing what other business might intervene. The time might be, perhaps, protracted by the necessity of choosing a new Speaker. With respect to the more important affair, it could not be too soon concluded. He was ready to meet whatsoever debate it might occasion; and the rather, as several points, apparently not understood upon a former day, might be more elucidated. He should not hesitate to acknowledge, that he had received accounts from another quarter of a favourable nature; but, unanswerable to his anxious hopes, they precluded him from declaring, that an universally wished-for recovery was near at hand. With this slender information, and yet the most which he could give, he trusted that the noble Duke would, for the present, be contented. Ld. Chancellor.

The Duke of Norfolk again expressed his wishes that no needless delays might arise, and that the designs of Administration might not remain concealed from the Houses of Parliament, and from the Public. Duke of Norfolk.

The Lord Chancellor now observed, that he would, with the permission of the noble Duke, put the question of adjournment, and afterwards be happy in having a conference with the noble Duke. Ld. Chancellor.

The question was then put, and the House adjourned to

Monday, 5th January.

The two Masters in Chancery were sent with a message to the House of Commons, to desire a conference; and the messengers being returned, the names of the Managers on behalf of the Lords were called over. These were, the Lord President, Lord Privy Seal, Archbishop of Canterbury, Bishop of London, Bishop of Hereford, Bishop of Worcester, Marquis Townshend, Marquis of Carmarthen, Lord Sydney, and Lord Hawkesbury. After a short time, the Usher of the Black Rod came to the bar, and acquainted the House

that the Managers for the Commons were come, and attending without.

The names of the Lords were again called over, and they withdrew into the Painted Chamber, when the Lord President acquainted those who attended for the Commons, that the Lords had agreed to the resolutions sent up by them. The Managers on both sides then withdrew.

The Chancellor of the Exchequer, Marquis of Worcester, Master of the Rolls, Sir Gilbert Elliot, and Mr. Alderman Watson, attended as Managers on behalf of the Commons.

The House being resumed, the question of adjournment was put, and the House adjourned to

Monday, 12th January.

Earl of
Suffolk.

The Earl of *Suffolk* rising, observed, that he meant to have made a motion for the physicians who had attended His Majesty, to be examined at the bar of that House, and for the exclusion of all strangers during such examination; but, having consulted with some noble Lords, he was advised to defer the motion until the meeting of a fuller House. He therefore begged to have an early day.

Wednesday was named, and approved of.

The House then adjourned.

Wednesday, 14th January.

Earl of
Suffolk.

The Earl of *Suffolk* observed, that as several of his noble friends were, in some degree, averse from the motion which he had an intention to bring forward, in deference to their better judgements, he should now beg leave to relinquish it.

The House immediately adjourned to

Tuesday, 20th January.

A message was brought from the House of Commons, by Mr. Wilberforce, desiring a conference with their Lordships.

He withdrew, and soon afterwards the Gentleman Usher of the Black Rod acquainted the House, that the Managers for the Commons were attending without.

The Managers for the Lords were then named; and these were, the Lord President of the Council, Lord Privy Seal, Duke of Chandos, Bishop of Salisbury, Bishop of St. David's, Marquis of Carmarthen, Lord Sydney, and Lord Hawkesbury. They went into the Painted Chamber, and were met by the Managers for the Commons, who were, the Chancellor of the Exchequer, Master of the Rolls, William Wilberforce, Esq. Sir George Shuckburgh, Hon. Henry Hobart,

Hobart, Hon. Dud. Ryder, J. P. Hungerford, Esq. Hon. James Murray, Sir Win. Dolben, Matthew Brickdale, Esq. Edward Bearcroft, Esq. and Henry Addington, Esq.

As soon as they were seated, Mr. Wilberforce addressed himself to the Lord President, and said that the Commons had come to several resolutions, to which they desired the concurrence of their Lordships.

The Managers on each side withdrew, and as soon as the Lord President and the other Lords had returned to their places in the House, the Lord President acquainted their Lordships, that he had received from the Managers for the Commons several resolutions, which he desired might be read by the clerk; and the same having been read, his Lordship then moved, "That this House do, on Thursday next, resolve itself into a Committee on the present State of the Nation."

Lord *Rawdon* observed, that he could not avoid contending against even this delay, and wished to know what objections the noble and learned Lord could have to the investigation of the subject upon the day immediately following? Lord *Rawdon*.

Earl *Camden* (Lord President) answered, that upon the ground of what he considered as proper, and, indeed, indispensable delicacy, he had proposed to bring on the business on Thursday. He conceived it necessary that one day should be allowed to give noble Lords an opportunity of looking into the resolutions, of deliberating upon them, and of forming a sober and serious opinion, before they came to give their final vote on the subject. Earl *Camden*.

Lord *Rawdon* answered, that the reasoning of the noble and learned Lord would have had its full weight, if the nature of the matter contained in the resolutions had carried with it a degree of novelty. It was, however, not novel; the subject had been amply talked over by their Lordships, and, consequently, the arguments of the noble and learned Lord had not their usual efficacy. For his own part, although not meaning to oppose the motion, he considered the delay as extremely needless. Lord *Rawdon*.

The Lord Chancellor begged leave to intreat the noble Lord (Rawdon) either to propose an amendment, or he wished his Lordship would explain what he meant, by saying the subject had been amply talked over. He trusted that the noble Lord would not leave the present conversation to be taken advantage of on a future day, on a supposition that the subject having been amply talked over, all further investigation would become unnecessary. Ld. Chancellor.

Lord *Rawdon* answered, that he still continued to conceive that no delay was necessary; he conceived so, on the ground of their Lordships being fully acquainted with the subject of Lord *Rawdon*.

of the resolutions. The matter was not novel; it had amply been talked over; but, in so saying, he did not mean to take any advantage, and to preclude farther discussion. He sincerely hoped it might again be amply talked over, and discussed in every point, not so much to enable noble Lords to form their opinions, which, in a great measure, must be already formed, but for the information of the Public, who ought to be fully acquainted with every particular of a business so important.

The question was then put and agreed to; the resolutions ordered to be referred to the said Committee, and the Lords to be summoned.

The House adjourned to

Thursday, 22d January.

The Archbishop of Canterbury moved, "That the Lord Bishop of Lincoln be desired to preach in the Abbey Church, Westminster, on the 30th of this instant January."

The House then adjourned during pleasure, and being resumed, the order of the day for the House to resolve itself into a Committee, was read, and the question being put and agreed to,

The Lord Chancellor left the woolfack, and Lord Walsingham went to the table as Chairman of the Committee. The first resolution being read by the clerk,

Earl
Camden.

Earl *Camden*, having adverted to the progress of the business, and the caution which had been exercised, the two Houses neither manifesting precipitation on the one hand, nor unnecessary delay on the other, added, that he could not perceive, without extreme concern, that a task of such unprecedented weight should have devolved on Ministers, and that he was chosen to submit to the attention of their Lordships the business in question. That Ministers had undertaken it, was an unavoidable act of duty, and reluctantly as he owned he stood up to address their Lordships, feeling, from his advanced period of life, every day stronger and stronger reasons to wish to retire from the hurry of business, he had the more willingly consented to state the resolutions brought up from the House of Commons, and explain their principles, as he trusted it would be the last act of his official political life. Having mentioned the circumstance of His Majesty's incapacity, and, what he called, the undoubted right which had been decided on as resting with the two Houses of Parliament to supply the deficiency, by appointing whom they thought proper, and with what power they chose, to the exercise of the present dormant and suspended power of the executive branch of the Legislature, Earl Camden re-
capitu-

capitulated all that had passed in the previous debates on the question of right, declaring, that the question had been started irregularly, and all upon a sudden, but that it had as suddenly disappeared. Where the claim of right was now to be found he knew not. Certain it was, that it could not be traced in the protest on their Lordships' journals. That question being over, it remained for him to proceed to state what had passed since. A farther examination of His Majesty's physicians had taken place, which he did not mean to quarrel with, or find fault with the principle on which it originated, but it had certainly employed a great deal of time. From that examination, His Majesty's illness appeared to be neither fatal, nor incurable; on the contrary, it was agreed by all the physicians, that his probability of cure was as great as ever, and, in all likelihood, the malady would continue but for a short time. It was impossible to ascertain the probable duration of His Majesty's illness; it might continue a year, or a year and a half, and it might extend as long as two years. If it should continue longer, it had been declared that, in all probability, the hopes of recovery would be considerably lessened; they were, therefore, to provide the temporary means of supplying the defect in the exercise of the Royal authority, by providing for the deficiency and for the safety of His Majesty on his throne. The resolutions to be offered to their Lordships were calculated for two purposes; they would provide fully for the exercise of the executive power with vigour and effect, as well as for the safety and respect that was justly due to the Sovereign. He would not trouble the Committee on that part of the resolutions which gave the care of the King's person to Her Majesty, not conceiving that any noble Lord would make the least objection to such a measure; elsewhere, indeed, reports of the impropriety of such a trust, had circulated, and reflections had been thrown on that great Personage; but, as he was convinced every Lord would feel with him, that those reflections were illiberal and indecent, he would say nothing farther on the subject. The only resolutions that he expected to be objected to were, the one for limiting His Royal Highness in the exercise of the prerogative of creating Peers, and that of the continuance of household offices, under the direction of Her Majesty. Earl Camden here spoke of the danger of entrusting the power of creating Peers to any but the Sovereign, who having a life-interest in his government, was the least likely to injure it, by bestowing with too lavish a hand the honours of the Peerage. No danger could arise from the suspension, for a short time, of that power, as no merit need be damped; since, during the Regency, if any one was so distinguished by his merits in any department, as to be a
worthy

worthy object of such honour, he could be made a Peer by an act of Parliament, signed by the Regent, as Sir John Cornwall was created in the reign of Henry VI. Indispensable, in his opinion, was the necessity of confining the power of creating Peers to the Crown, so long as a prospect existed of His Majesty's recovery; a certain quota of Peers to be created fell to the share and within the compass of each reign, and a prudent Prince would neither distribute with a lavish, nor with a niggardly hand, but steering between the two extremes, would preserve the happy medium. Restraining the new Government from making Peers, was in effect doing them service, and keeping them out of the way of temptation. With respect to the necessity of keeping the right of creating Peers sacred to the Royal person, he should beg leave to appeal to the House, whether, in the ordinary cases that occurred in the course of law, they did not all know, that a tenant for life had no power to cut down timber, whereas a tenant in tail was, in law, allowed its free exercise. Arguing on the propriety of the household completely resting in the management of Her Majesty, to enable her to discharge the duties of her trust; he said, the only argument that was likely to be urged against it was, that it would create an improper influence, and that the new Government would be unable to proceed in public business, without having the patronage of those offices, the Lords of the Bedchamber, and others. The position that the patronage to the household officers was absolutely necessary to the Regent's Government, was truly absurd and ridiculous; for, would any noble Lord seriously contend, that without such an insignificant number of votes as the Lords of the Bedchamber amounted to, an Administration could not proceed in public business? Would they say that the patronage of the navy, of the army, of the church, of the law, of the customs and of the excise, of the East and West Indies, and other considerable patronage, which would be annexed to the Regency, would not be sufficient to enable a new Administration to carry on the Government, unless they also had the addition of a dozen more votes? If their Administration was conducted on good and beneficial principles to the country, no such vote would be necessary; but if, on the contrary, they pursued prejudicial and bad measures, not their votes, nor ten times the number, would protect them from the voice and influence of the People. He deprecated any change in the management of any part of the household, not only as highly disrespectful to His Majesty, but dangerous; since, if those whom His Majesty had appointed as the heads of different departments in his household should be removed, to make room for others whose faces he had never seen, nor ever wished to see, it might be the

means of an attempt to invade the Royal chamber, of indirectly taking possession of His Majesty's person, and they might strip his palace of every thing valuable, and every thing which he held dear. Another argument, he observed, had been used against intrusting the patronage of those offices in the household with Her Majesty, fearing it would be exercised in favour of a malignant and factious opposition. This was not likely; for, no one would believe that the great and amiable Personage appointed to have the care of the King's person, would permit the use of her power to be exercised against the good government of her son. It was also unlikely, from another reason—the improbability of those with whom he acted entering into an opposition to the interests of that country in the support of which they had exerted their abilities; they would not degrade themselves by forming an unprincipled or a factious opposition; they had not, while in office, done any act to forfeit their popularity; they had, in all their measures, had the good fortune to be supported by the voice of the People; they had exerted themselves successfully for their interests; they had been crowned with their plaudits; and, in their last act, were they exerting themselves for the rights of the People: they could not quit the public service, therefore, at a more fortunate moment. It was, then, very improbable, that, after having been so long in possession of popularity, they would destroy it by entering into a malignant opposition, and shewing that they acted upon other motives than those of the public good. His Majesty's Ministers now had no power, but Opposition had all the power which at present existed. In conclusion, the Lord President moved, “That the resolution be read;” which being read accordingly, the first resolution was put.

“That it is the opinion of this Committee to agree with the resolution, That for the purpose of providing for the exercise of the King's Royal authority, during the continuance of His Majesty's illness, in such manner, and to such extent, as the present circumstances of the urgent concerns of the nation appear to require, it is expedient that His Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal authority, according to the laws and constitution of Great Britain, in the name and on the behalf of His Majesty, under the style and title of Regent of the Kingdom, and to use, execute, and perform, in the name, and on the behalf of His Majesty, all authorities, prerogatives, acts of Government, and administration of the same, which belong to the King of this Realm, to use, execute, and perform, according to the law thereof, subject to such limitations and exceptions as shall be provided.”

Earl

Earl
Faucon-
berg.

Earl *Fauconberg* declared that he could not avoid repelling, with indignation, an idea which, if he heard the words distinctly, seemed to have been conceived by the noble and learned Peer, who, he understood to have said, that the votes of the Lords of the Bedchamber were insignificant, and unworthy of consideration. Gracious Heaven! was he to hear in that House, that, because he was a Lord of the Bedchamber, his vote was not worthy of consideration? He trusted, his vote was as good and as worthy of respect, as any noble Lord's in that House. He had been appointed a Lord of the Bedchamber ten years ago. Lord Ashburnham wrote to him, unsolicited on his part, intimating the honour to which he had been appointed; and, when he saw Lord Ashburnham, the noble Lord did not take him into a corner, and say, "You are expected to vote so and so." If the noble Earl had treated him in that manner, he hoped their Lordships would give him credit, when he declared, he would instantly have spurned at the proffered honour. He felt what had been that day said, as a disgrace to the heir of a noble family, some of whom had bled in the service of their country. It was true, he had given his support to the present Administration, but he had given it from principle and honour, and in no other manner would he ever give his vote. He repeated, that the honour done him, by appointing him one of His Majesty's Lords of the Bedchamber, was not for the purpose of securing his vote: had any such condition been proposed, or had he ever conceived that it had been expected he should, in consequence of that office, be under the necessity of supporting every Administration, be it what they might, he assured their Lordships, upon his honour, that he would never have accepted the office, but would have rejected it with the disdain which so unworthy a proposal would have justly merited.

Earl
Camden.

Earl *Camden* answered, that it was not without the utmost uneasiness that he perceived that the noble Lord should have taken offence at any thing which had fallen from him; he meant no disrespect to the noble Lord; he knew that his Lordship possessed too much honour, for a moment to be influenced in his vote by the office which he held; and he had no scruple to avow, that he believed the same of every one of the noble Earl's colleagues. He did not say that his Lordship's or their Lordships' votes were insignificant, or of no consequence; but he had, in stating the argument that was used elsewhere against Her Majesty's having the disposal of those offices, observed, that not their votes individually were insignificant, or of no consequence, but that the difference in number of twelve or fourteen votes, was insignificant to carry on a Government.

Lord

Lord *Winchelsea* conceived the noble and learned Lord to Ld. Win-
 have spoken, as he had explained himself, and that no reflec- chelsea.
 tion or dishonour whatever was meant to be thrown on the
 Lords of His Majesty's Bedchamber. All the reflections that
 had been suggested against the Lords of His Majesty's Bed-
 chamber in any place, he ascribed to party motives, and as
 too contemptible to merit the smallest notice.

The Bishop of *Landaff* rose next, and, after highly com- Bishop of
 mending the spirit and sensibility of the two noble Lords who Landaff.
 had resented the supposed indignity which had been offered to
 the Lords of the Bedchamber, by the noble Earl who had
 opened the debate, though he could not think that any of-
 fence was meant, proceeded to observe, that similar intima-
 tions of the dependency of the Scots Peers, and of the Bench
 of Bishops, were not unfrequently given in that House, and
 in other places; that he, for one, spurned the imputation
 with contempt; that he felt it injurious to himself, and he
 believed it to be injurious to the other noble and right reve-
 rend persons to whom it was applied. He then said, that he
 would not trouble their Lordships with a long speech, and
 that he knew not, indeed, whether he ought to trouble them
 with any; for that he had not the presumption to think that
 it would be in his power much to illustrate a subject, which,
 as to a main part of it, had already received so ample a dis-
 cussion on a former day. But, he trusted the House would
 forgive him, if he said, that he felt a singular satisfaction in
 being allowed an opportunity of delivering his sentiments
 plainly and publicly on as great a constitutional question, as
 had ever been agitated in that House since the Revolution.
 He would endeavour to do it with as much perspicuity and
 with as much brevity as possible.

He would not, he said, mispend any portion of their Lord-
 ships' time, in deploring the sad necessity for that day's debate.
 The calamity with which the nation was afflicted, would
 have been a great one, had the Monarch been a bad one;
 what it was now, was far more easily to be conceived by
 them, than it could be expressed by him; for, they would
 listen to him with impatience and disdain, if he undertook,
 by reasoning, to prove, what was felt by all, that it was one
 of the greatest which could have befallen us as a People; all
 ranks, all parties, all individuals, who had any value for the
 Constitution, agreed in thinking that it was so; and all, he
 hoped, united in praying to Almighty God to relieve us from
 it, by restoring our afflicted Sovereign to perfect sanity of
 body and mind.

But, my Lords, he continued, till it shall please Almighty
 God to do this, my opinion is,—I humbly submit it to the
 House, with that firmness which becomes an impartial in-
 quirer

quirer after truth, but with that diffidence also, which becomes a man frequently conscious of his inability to attain it, and who, on every difficult question, whether of policy, philosophy, or religion, is, by nature and habit, more disposed to doubt, than to dogmatize—my clear opinion, however, is, that in the very outset of this business, as soon as ever the two Houses of Parliament had, by solemn investigation, ascertained the single fact of the King's incapacity to govern the land, they ought to have impowered (I beg, my Lords, it may be observed that I question not the competency of the two Houses to impower) His Royal Highness the Prince of Wales, the next in blood to the Throne, by a commission under the great seal, or otherwise, to take upon him, not, I think, the whole *regal* power, (though that would have been a more justifiable and constitutional mode than what has been followed) but the whole *legislative* authority of the King. The Legislature being, by this one act of necessity, completed, and the Constitution restored to its vigour, by the Prince of Wales presiding in Parliament as his Father's Commissioner, the next step should have been for the Parliament, I mean the complete Parliament, to have appointed a Regent whom they thought fit, and with or without limitations as they thought fit. For, though I think it would have been highly improper for the Legislature to have appointed any person Regent, except the Prince of Wales, or to have appointed him Regent, with any other check or control, except such as the Constitution has thrown around the King himself, in the exercise of his power, yet I admit, in the fullest extent, that the Legislature would have had both the power and the right to have done otherwise. A Regency being settled, not by the two Houses of Parliament, but by the whole Legislature, the next step should have been, to make the best possible provision for the guardianship of the King's person, for the security of his private property, and for his re-assumption of all his public rights of Sovereignty, as soon as ever it should please God to put him in a capacity to enjoy them. This mode of proceeding would, I humbly think, have been the least perplexed, and the most constitutional, which could have been followed; another mode has been adopted, and limitations of the Regent's power have been proposed; and as I can neither approve of the mode in which the limitations are proposed to be established, nor of the limitations themselves, I think it incumbent on me to state the reasons of my dissent.

I begin, my Lords, with advancing a proposition, which will be denied by none; the proposition is this—That the monarchical power of a King of Great Britain is not an *arbitrary* but a *fiduciary* power; a trust committed by the com-

munity at large to one individual, to be exercised by him in obedience to the law of the land, and, in certain cases, according to his own discretion, but in subserviency to the public good. This proposition is one of the most fundamental principles of our Constitution, and of every free Constitution in the world ; its truth cannot be questioned ; and its truth being admitted, *it seems* to follow, as a legitimate consequence, that whenever the individual to whom the community has committed this trust, shall become incapable of executing it, the trust itself ought to revert to the community at large, to be by them delegated, *pro tempore*, to some other person, to be exercised by that other person, for the same common end, the promotion of the common welfare. It might otherwise happen that one man's misfortune might become the occasion of all men's ruin. But if, during the present incapacity of the King, the trust which has been given to him, not for his benefit, but for the benefit of those who gave it to him, does in fact revert to the community, then may the community delegate, till the King's recovery, the whole or any part of that trust to whomsoever they think fit. Upon this, or some such general ground of reasoning, I presume, the proposition has been founded which maintains, that the Prince of Wales has no more right to the Regency, previous to the designation of the two Houses of Parliament, (which may be supposed to represent the community at large) than any other person. My Lords, I conceive this reasoning is not true ; it would have been true, had the law been absolutely silent as to what was to become of the trust, when he to whom it was given became incapable of exercising it : but the law is not silent. In one case in which the King becomes incapable of executing the trust committed to him, the law has clearly and positively said—" No, the trust shall not
 " revert to the Community at large, the Community perfectly know the mischief of such a reversion, they will
 " have nothing to do with it ; it shall go, according to the
 " established order of succession, entire to the Heir." This is the express declaration of law, when the King becomes by death incapable of exercising the trust committed to him ; and the analogy of law speaks the same language in the present case ; it says, " No, the trust shall not revert to the Community, it shall go *pro tempore*, and it shall go whole and
 " entire to the next in succession to the Crown ; it shall go
 " to the Prince of Wales, who is of an age to receive, and
 " of a capacity to execute, the trust for the public good." I say not, my Lords, that the Prince of Wales has a legal right to the trust, but I do most firmly contend that he has such a title to it as cannot be set aside, without violating the strongest and most irrefragable analogy of law ; and in

what such an analogy differs from law itself, I submit to your Lordships' mature deliberation. We have heard much on this occasion of the word *right*; but no one has condescended to define it. Now, my Lord, if, with *Grotius*, we define *right*, as applied to things, to be a moral power of possessing a thing in conformity to law, it is certain the Prince of Wales can have no right to the Regency; for the case has never occurred in our history, of a King being incapable of governing, when an Heir Apparent was of full age to govern, therefore there is no unwritten law; and every body knows that there is no statute law respecting the point; therefore there is no law, and where there is no law, there can be no conformity to law, and where there is no conformity to law, there can be no right. But if we define right to be a moral power of possessing a thing, consistently with law; and if we admit that what is not forbidden by law, is consistent with law, where is the law, written or unwritten, which forbids the Prince of Wales from exercising the executive Government of the country, during the incapacity of his Father? It might, I think, be shewn, that the law forbids every other person in the kingdom from doing this, but I doubt whether it could be shewn that it forbids the Prince of Wales. I beg pardon for troubling your Lordships with these logical distinctions; yet, on such distinctions depends clearness of ideas, on clearness of ideas depends closeness of argumentation, and on closeness of argumentation depends the investigation of truth. I will proceed to another argument.

An old and venerable Expositor of the common law, instructs us to consider the King as composed of two bodies; one natural, subject to passions, and mortal; the other politic, subject to no passions, and immortal: an union of these two bodies constitutes a King; and he defines a demise of the Crown to be, a disunion or separation of the body politic of the King from his body natural. Admitting this definition of a demise to be a just one, (and it is of too high authority for me at least to question it) I would argue thus—whenever there is a separation of the body politic of the King from the body natural of the King, there is a demise of the Crown. But, during the present indisposition of the King, there is a separation of the body politic of the King from the body natural of the King; therefore, during the present indisposition of the King, there is a demise of the Crown. My Lords, I should be ashamed in this place, or in any place, on this occasion, or on any occasion, to produce an argument, which I did not think was founded in truth; I do think that this argument is founded in truth; but that I may deal candidly and ingenuously with your Lordships, as I ought to deal, I will state to the House wherein its weakness, if weakness

weakness it has any, consists. Its weakness then, if it has any, consists in this, that the great common lawyer to whom I have alluded had not, probably, (I say probably, for I cannot speak with certainty) when he gave the definition of a demise of a Crown, which I have mentioned, any other cause of the separation of the King's body politic from his body natural, in contemplation, except that which is occasioned by death. It rests with your Lordships to determine whether the definition does not in principle extend farther; I think it does. Thus, if a King should become incapable of exercising the functions of a King, by being driven, for a time, from his throne, as happened to Edward the Fourth; or if he should become incapable, by voluntarily abandoning the throne, as happened in the case of James the Second; or if he should become incapable, by the hand of God; in all these cases, and in cases such as these, there would be a civil demise of the Crown. I know not whether the law books acknowledge the term civil demise, but I do know that the ideas comprehended under that term are as perfectly intelligible, as those are which are comprehended under the term Natural demise. I am not, my Lords, here to be told, that the throne is not vacant; I know that it is full, and that the powers of him who fills it are not dead, but dormant, not extinguished, but suspended; therefore it is, that the demise I am contending for, is not natural but civil, not absolute but conditional, not perpetual but temporary. It is a maxim, I am told, in law, that the King never can become incompetent to the exercise of the kingly office; it is not my intention to question law maxims, which are generally founded in great wisdom, but I must be allowed to say, that we are at this moment denying in fact that integrity of Kingship which we are establishing in words; for, what is this politic capacity of the King, which always remains entire, but the power of executing the office of a King? it is that body politic of the King which is immortal. But, in appointing a Regent, we certainly disunite the body politic of the King from his body natural, and we annex it for the time to the body natural of the Prince of Wales. This civil demise of the Crown differs not, I think, from a natural demise, in the *quantum* of power which ought to be transferred to the successor; but it differs from it in the mode by which that power is acquired, and in the tenure by which it is holden.

Let us look at this subject in another, but not in a less interesting point of view. Was the kingdom a private estate, (I am far, my Lords, from considering kingdoms as private estates, which Kings may use or misuse, as each man may his private property, but it may, for the present argument, be considered as such :) Was, then, the kingdom a private estate,

estate, into whose hands could you so properly commit the management of the estate, during an incapacitating indisposition of the father, as into the hands of his eldest son, who had attained his full majority, and on whom the estate, with all its appurtenances, was strictly entailed? You might irritate and provoke the temper of such a son, and drive him to a wild and giddy negligence of his concerns, by shewing a distrust of him, in not suffering him to have the sole and full management of that, which he of all others was most interesting in managing well; you might degrade him in the estimation of mankind, and debase him in his own opinion; but, you would not do justice, believe me, my Lords, you would not do justice to those abilities which great occasions call forth, and exercise confirms; you would not cherish and invigorate those talents, which arduous situations, and proper confidence, never fail to produce in young and ingenuous minds. In a word, and to apply this, either the Prince of Wales is fit to be Regent of the Kingdom, with full Regal power, during the present incapacity of the King, or he would not be fit to rule the land, was the King no more. But the law suffers us not to quibble and to dispute, and to introduce our partial distinctions, concerning the fitness or unfitness of a Prince of Wales to rule the land, when the King is no more; it tells us that he is fit; and the analogy of law tells us, that he is fit to be Regent of the land, with Regal power, whilst the King continues to be incapable of exercising the functions of a King.

In what he had hitherto advanced, he said, that he had paid no attention to the precedents on which so much stress had been laid, and in the application of which, he had been told, by the highest authority of the law, that the whole matter consisted. He had omitted the consideration of the precedents, because their importance had been sufficiently weighed in a former debate, and because he was of opinion that though there were some shades of resemblance between the present situation of the country, and its situation during the infancy of its Kings, yet there were such strong lines of discrimination, as sufficiently distinguished the two cases. But that he might not appear to assert this, without proving it, he would advert, for a moment, to the precedent of Henry the Sixth, during the infancy of that Monarch; inasmuch as a peculiar degree of importance had been given to that precedent: but before he pointed out the difference of the cases, he could not help observing, and with a degree of astonishment, that this boasted precedent had not been followed in the only two points which were of consequence.

What, my Lords, was done on the accession of Henry the Sixth? a commission was issued, by the order of the Privy Council,

Council, under the great seal, appointing, not any person, not any number of persons, but the next in blood to the King, to convene a Parliament, and to preside in the Parliament when convened, in the name of, and with the authority of, the King. Has this been done now? No such thing. The Parliament, when our King became incapable of governing, was convened, and had the precedents of Henry VI. been followed, by order of the Council, or by order of the two Houses of Parliament, the Prince of Wales should have had a commission given him, under the great seal, to preside in this Parliament. What was the next step which was taken in the reign of Henry VI.? A Regent was appointed, by the authority of the Legislature; that Regent was the Duke of Gloucester, the person nearest in blood to the King, except the Duke of Bedford, who was not then in the kingdom; and he was controlled in the exercise of his authority, by a permanent council. Has this been done now? No such thing. The Prince of Wales is indeed to be appointed Regent, but he is not to be appointed by the Legislature, and he is not to be controlled by a Council. My Lords, could I have been of opinion that the proceedings, during the infancy of Henry the Sixth, ought to have been followed by the Nation in the reign of George the Third, I would have placed my foot on the precedent I have been considering as on a firm basis; I would have looked my country in the face, and boldly said, the Prince of Wales is now restrained by a Council, because our ancestors restrained, by such a Council, the Regent in the reign of Henry VI. This would have been a manly proceeding, and a strict conformity to the precedent might have been a degree of justification for having followed it. But to follow precedents, without a reference to the times and circumstances under which they were made, is to follow blind guides, which will frequently lead us into error; and I have no difficulty in saying, that we ought not now to follow the precedent established during the infancy of Henry VI. I admit, that there is a similarity, or rather an identity, as to the fact of the incapacity for Government in the two Kings, but in nothing else is there any similitude. Henry the Sixth was an infant unknown to his subjects—George the Third is a Monarch endeared to all his subjects by a long reign; Henry the Sixth was born in a barbarous age, when the Constitution was unknown, and the succession unsettled—George the Third lives in an enlightened age, when our Constitution is understood by almost every man we meet, and when no doubt remains respecting the succession to the Crown. Henry the Sixth was surrounded by ambitious Nobles, whose adherents were so numerous, as to enable them to grapple with the King himself for the possession of the crown—George the Third

Third is surrounded by Nobles, whose adherents are not so numerous as to render them dangerous, not one of whom has the slightest pretensions to the crown, and all of whom, my Lords, I know I speak truth, would sacrifice their lives and fortunes to keep the crown on the head of him that wears it. But, my Lords, there is yet another distinction between the two cases, and it is a distinction of the utmost moment. I speak on this point with great diffidence. I oppose the declared sentiments of two noble Lords, whose legal abilities are above my praise, and of whose discriminating faculties on all subjects I have a good opinion: I beg pardon of those great luminaries of the law beforehand; I am certain I must be in an error, though I cannot see it: they have contended, that there is no difference, as to the present argument, between an Heir Presumptive to Henry the Sixth, and an Heir Apparent to George the Third; and I contend that the difference in this case, and I consider no other, is obvious and immense. Henry the Sixth, an infant of nine months, or of nine years, for it makes no difference as to the argument, (as what was done with respect to the Regency in the first year of his reign, was done for several years afterwards) and the Heir Presumptive of Henry the Sixth, stand on one part; on the other, we are to consider George the Third, a King beyond the middle age, and the Heir Apparent, a man of twenty-seven. Now, my Lords, I will assume only this one *postulatum*, which, in all fairness of logical argumentation, cannot be denied me—that each of these four Personages lives to the ordinary period of human life, then it is evident, that the Heir Presumptive of Henry the Sixth never can, by fair means, obtain the Crown; and that the Heir Apparent of George the Third never can, by fair means, miss the Crown; and the difference between a certainty of never possessing, and a certainty of never failing to possess the Crown, is, in my humble opinion, obvious and immense. It is a difference, too, so important in its nature and consequences, as to render the restrictions of the Regent's power, in the person of the Heir Presumptive of Henry the Sixth, perfectly inapplicable to the Regency of the Heir Apparent of George the Third. I have done with the consideration of the precedents, and will proceed to consider the restrictions themselves.

It is said then, that in the constitution of a Regency, no more power ought to be given to the Regent, than what is sufficient to enable him to carry on the executive Government of the country with effect, for the public good. My Lords, I admit this proposition in its full extent, and it is on the truth of this proposition, that I ground my argument for there being no restrictions put upon the Regent; all the

Regal power is necessary to enable him to carry on the Government for the public good. What! my Lords, is it insinuated, or asserted, that the King himself has an atom more of Regal power belonging to him, by the constitution of the country, than what is sufficient to enable him to carry on the Government of the country with effect, for the public good? I contend that he has no such power; such a power would be, a power to do wrong, and the King has no such power; it would be that *injuriæ licentia*, which is the basis of tyranny in every kingdom of the world; it is that which the despots of the Continent claim and exercise, which our Monarch, thank God, we are certain would not exercise, could he claim, but which our Constitution, thank God! does not suffer him to claim.

But, it is objected, if you give the whole regal power to the Regent, you make him not a Regent but a King; you dethrone the Monarch, and place the crown of George the Third on the head of George the Fourth. These, my Lords, are high-sounding words; but I have not been accustomed to pay attention to words, beyond the sense that they contain, and I do not see that these contain any. The whole regal power is requisite for the Regent; because it is requisite for the common good that the whole regal power should have an existence somewhere. But, though you give the Regent the whole regal power, you will not make him a King; he will differ essentially from a King in this—that he exercises his power in the name of another; every public instrument which he sets his hand to, announces to every man in the kingdom that the crown still rests on the head of his father. He will differ too from a King in another point, in what is the most essential point of Royal power—in permanency of possession.

But, it is contended in particular, that the power of making Peers should not be given to the Regent. What! is this high prerogative, then, useless or pernicious to the State? No, it will be said, it is a prerogative productive of public good, when exercised by a King, but productive of public mischief, when exercised by a Regent. My Lords, there is no manner of foundation for this reasoning, when the Regent is the Heir Apparent. There might be some ground for it, was the Queen the Regent, was the Duke of York the Regent, and much more was any other person Regent; because, every other person in the kingdom, except the Heir Apparent, might be supposed to have a private interest, diverse from, and opposite to, the public good. Peers might be made in attention to this private interest. But this cannot be supposed concerning a Prince of Wales; to say, that he can have any private interest in view, distinct from the public interest,

interest, is to say that he is absolutely unfit for the Government of the country; an assertion not more reprobated by the law of the land, than, without meaning any flattery to His Royal Highness, I believe it to be false in fact.

But, if the Prince of Wales is allowed the power of making Peers, he may infringe the rights of the reigning Sovereign; and the King, on his return to his Parliament, may find this House filled with the friends of the Prince of Wales, and with the enemies of the reigning Monarch!—Good God! my Lords, is it possible that so uncandid and illiberal a suspicion—I wish to avoid asperity of language—that a suspicion so ill founded, and injurious to the characters of both the high Personages alluded to, should even have entered into the heart of any man in Great Britain. The virtues of the reigning Monarch have left him no enemies in any part of his dominions; and it is but common justice to the Prince of Wales, that justice which every one of your Lordships would wish, in similar circumstances, to be done to his own son, to place this confidence in the Prince of Wales, that he will have no friends, but the friends of his Family and of the Constitution. And is it not to fix an opprobrious and, we all know, an undeserved stigma on the character of His Majesty, to say, that on his recovery, he will be sorry to meet in this House, or in any other place, the friends of his Family and of the Constitution? A distinction, my Lords, has of late years arisen in this kingdom, which I much dislike; it is a distinction not founded in nature, it is big with mischief, and may bring forth civil discord—a distinction into King's friends, and Prince's friends. I learned at school, that friendship subsists not *nisi inter pares*; and my situation in civil society is far too humble, to permit me to affect a parity with Kings and Princes. I have no ambition to be ranked amongst the King's friends, none to be ranked amongst the Prince of Wales's friends; but I have an ambition, I have had it through life, and I shall carry it to my grave with me, it is an ambition to be ranked amongst the friends of the whole House of Brunswick; and why, my Lords? not from any private regard, but because the House of Brunswick is a friend to the civil and religious liberties of mankind; because, if we may augur concerning the future, from an experience of the past, the House of Brunswick will ever continue to be friends to the Constitution of this country, as defined and established at the Revolution.

It is proposed to confide to the Prince of Wales the high prerogatives of declaring war, and making peace; of entering into foreign treaties, which bind the Nation, and must bind the King himself, on his recovery; of directing the operations of the standing army—of appointing to all offices, (the
house-

household excepted) civil and military — These and other prerogatives of a similar nature, on a due and discreet use of which every thing that is dear to us as men and citizens depends, are to be entrusted (and the trust we have no reason to think will be misplaced) to the Prince of Wales—Having given so much, where is the wisdom of retaining the rest? Where is the wisdom of depriving the Regent of the ability of rewarding merit, and of enabling his Ministers to strengthen themselves in administration, by exactly the same means whereby their political competitors will have strengthened themselves, in opposition. My Lords, there may be public grounds for this restriction, and considering the characters of those who have been concerned in framing it, it would be uncandid in me to say that there are none; but I must profess that I see none.

But were the public grounds for this limitation more obvious and more extensive than any person will assert them to be; still I could not vote either for the limitation itself, or for the mode of establishing it. No, my Lords, never shall it be said of me, that I concurred in violating the Constitution of my country, by allowing to the two Houses of Parliament, either the right of legislating, or of suspending, though but for an hour, any portion of the Royal prerogative. The established prerogative of the Crown is a part of the common law of the land, and I think the two Houses of Parliament have no more right to suspend the law than the King has; the constitution is violated, let the suspension be made by any power short of that which made the law the complete Legislature of the country. If the two Houses can suspend indefinitely, they may abolish perpetually; if they can abolish, as useless to the common safety, one prerogative, why not another; why not all? why may they not come to a resolution, that all the prerogatives of the Crown, and that the King himself, are as useless to the public good, as this House was formerly declared to be by the other?

I know, my Lords, it has been said by my enemies, that I am a friend to republican principles; and I question not they will be greedy in embracing this opportunity of saying that I am a friend to prerogative principles. I have hitherto disdained, and I shall continue to disdain, giving a reply to my calumniators of any kind; but I feel it an happiness, and I think it an honour, to declare to this numerous assembly of your Lordships, that I am no friend to republican principles, none to prerogative principles, none to aristocratic principles; but a warm, zealous, and determined friend to that *equilibrium* of the three powers, on the preservation of which depends the conservation of the finest

Constitution (not perfect, perhaps, either with respect to its civil or ecclesiastical part, for what human thing is perfect?) but yet the finest civil Constitution that ever blessed human kind on the surface of the globe. For the preservation of this Constitution, I would lay down my life; the expression is a strong one, but the occasion justifies it; for, in doing so, I should think that I fulfilled the most important duty of a man and of a citizen; that I performed a service acceptable to the Supreme Being, in contributing to continue to millions, yet unborn, the blessing of the British Constitution. With these sentiments concerning the excellence, and with the apprehensions which I now entertain of the violation of the Constitution, your Lordships will forgive the warmth and the firmness with which I speak.

With respect to the household, he said, that if we followed the cool conclusions of dispassionate reasoning, the most proper mode of proceeding, whether we respected the circumstances of the country, or the state of the civil list itself, would be to extinguish that part of the household which was useless to the King in his present unhappy circumstances, and to save the expence of its establishment. But as it often happens, my Lords, in private life, that our feelings are in opposition to our judgement, so has it happened to myself on this occasion. I do feel a reluctance to the abolishing any part of the Royal household, whilst there remains any hope of the King's recovery. I wish His Majesty, on his recovery, to feel not the shadowy comfort of seeing the same faces about his person, but the solid comfort of knowing, that his subjects had not, out of a selfish and parsimonious regard to themselves, seized the opportunity of his misfortune, to tarnish the splendor and to diminish the dignity of Royalty. But though I wish not the household to be diminished, and though it be useless as to the greatest part of it to the King, I would not have it continue useless to the public—it ought to be transferred to the Regent. The *Phæleræ* of Royalty are calculated, not merely to captivate the vulgar, but to render the person of the King venerable in the eyes of all, that his office may be executed with greater advantage to the public; subordination is necessary to the very existence of civil society, and whatever has a tendency to preserve it, is a public good. For the same reason that the state is at the expence of adorning the person and situation of the Monarch, by a splendid household, it ought to adorn the person and situation of the Regent; it is not to swell the vanity of either the King, or the Regent, that this is done; but to render the chief Magistrate respectable in the contemplation of those over whom his Magistracy extends. As to the influence which
attends

attends the household, it ought not, perhaps, to exist at all; but whilst it is supposed to exist, it certainly ought not to be dis severed from the executive government. But I will not dwell upon this; for I agree with the noble Lord who opened the debate, that we ought not to refer to the characters of the great personages whom we may have occasion to allude to; if this was allowable, I would say, that I think so well of the Queen, as to be under no manner of apprehension that she will ever put herself at the head of a party, in opposition to the government of her son.

My Lords, I have delivered the real sentiments of my heart, without any respect to party; I am not a party man; this is not a question of party, nor ought it to be considered as such; the question is not whether this or that man shall be the Minister of the country — If that had been the question, I would have addressed myself to every independent Member of this House; and therefore for the credit of humanity, and for the dignity of the Peerage, I would have supposed that I addressed myself to every individual in it, in the language of antient Rome—*Non agitur de publico commodo,—sed utrum Cæsar an Pompeius possideat Rempublicam? Quid tibi, M. Cato, cum ista contentione?* No, my Lords, the question is, in what manner shall we maintain, unviolated, the principles of the Constitution—protect the dormant rights of the reigning Monarch—do justice to the legal claims, or the reasonable expectations, at least, of the Heir Apparent—provide for the domestic tranquillity, confirm and extend the foreign importance of the country? As a Member of this House, and as a Bishop of this realm, I lay my hand upon my heart and say, that, in *my* judgment, we shall best promote these great ends, by appointing His Royal Highness the Prince of Wales, Heir Apparent to the Crown, Regent, with full regal power.

However different many of your Lordships may be from me in this sentiment, I will conclude with a wish, in which I am certain of being joined by all who hear me, and was the Heir Apparent himself in the House, I am confident that his piety as a son, that his duty as a subject, (of both of which he has on this trying occasion given such exemplary proof) would make him the first to unite with me, in a wish, an hope, a prayer, that a speedy and perfect restoration of the King's health may put an early period to the Regency of the Prince.

The Earl of *Sandwich* observed, that he could not avoid feeling himself somewhat alarmed at rising after so able and so eloquent a speaker as the learned Prelate, but he wished to prevent a fourth Estate being introduced into the Constitution; and, as the learned Prelate had not moved any amendment

ment, he would take the liberty of introducing one. The case in question was not, as a noble and learned Earl (Camden) had represented it, that of suffering a tenant in tail to cut down timber, but rather the circumstance of planting a tree on the family estate. Lord Sandwich mentioned the injury that must result to the Empire, and the damp that would be cast on the ardour of public spirit, by restraining the Regent from conferring the honour of Peerage on meritorious persons. He asked whether it was likely, when His Majesty should recover, that he would feel uneasy at seeing the most deserving sea officer, who had done as much service to his country, as ever had been done by an officer since a ship had worn a pennant, the gallant Lord Rodney, seated on the ducal bench; he reprobated the conduct of Ministers in deserting such a man, and suffering him to sink almost into the earth. He spoke of His Majesty's situation as by no means such as to warrant sanguine expectations, observing, that in the course of his life, he had learnt the bitter lesson of sad experience! He mentioned the resolution agitated some years since, that the power of the Crown had increased, was increasing, and ought to be diminished, declaring, that he had voted against the maxim, being convinced of the contrary; but that now, those who had voted with him against the resolution, were for diminishing the influence of the Crown. He concluded with moving, to add to the motion by way of amendment, the words, "for a time to be limited."

The first resolution was then agreed to, and the second being read, "that His Royal Highness should not have the power of creating any Peers, except the sons of His Majesty, having attained the full age of twenty-one years," the question was put on Lord Sandwich's amendment, "for a time to be limited."

Lord
Sydney.

Lord Sydney contended, that under the circumstances of His Majesty's illness, it was not possible to fix on any time; and he added, that the House must certainly be involved in one of the most painful of dilemmas, should they agree to limit the restrictions to six or twelve months, and at the end of that time His Majesty, though not recovered, might be on the point of perfect recovery.

Earl of
Carlisle.

The Earl of Carlisle reprobated the restrictions, as tending to introduce a feeble government, and a vigorous opposition. He supported the amendment, wishing that some of the evil restrictions might be done away by their being limited, but he would not allow, that therefore the restriction ought to pass.

He censured the injustice of suspending the prerogative of creating Peers; and declared, that what had fallen from the noble and learned Earl, of the Parliament bringing in a bill for

for creating a Peer, was a remedy much worse than the disease, and, in his opinion, highly unconstitutional. The doctrine of the two Houses having the power of creating Peers, being maintained by so great a character as the noble and learned Earl, militated with such violence against all which he had hitherto understood of the principles of the constitution, that he must beg leave to trouble the noble and learned Lord for a fuller elucidation of his extraordinary doctrine.

The *Lord President* answered, that the noble Earl had misconceived him. He did not say the two Houses of Parliament could create a Peer, but that the Parliament could create a Peer. Lord President,

The Earl of *Carlisle* considered the explanation to be equally unconstitutional with the original assertion. Earl of Carlisle.

The Earl of *Derby* asked whence the noble and learned Lord derived his information, that the present Ministers were to go out; and that a new Administration was to be formed? He conceived, that he must have inferred it from a consciousness that the present Administration had treated the Prince of Wales so ill, as to feel themselves unworthy of his confidence. He reprobated the idea of the other House having any participation in the creation of Peers, as in the highest degree unconstitutional. When he said this, he declared it was well known he was partial to the other branch of the Legislature; because, being the popular estate of the realm, from the circumstance of the Members of that House being liable to be frequently sent back to their constituents, they were most likely to speak the real sentiments of the People at large, who, in a government constituted as ours was, deserved every possible degree of marked respect and attention. Earl of Derby.

Earl *Fitzwilliam* censured the doctrines advanced in the course of the several discussions that had taken place on the subject of the Regency, as tending more and more to reduce the constitution from the principles of a limited Monarchy, and change it to the principles of a Republic. He complained of what they had that day heard from the noble Earl at the head of His Majesty's Council, who had stated in argument, that no evil could result from passing the restriction, disabling the Regent from creating a Peer, because that the two Houses of Parliament could in effect grant a Peerage, where the case should be of a nature to render such a dispensing of the honour of nobility, not only proper but necessary. For his own part, he should not hesitate to declare, that such sentiments were, in the highest degree, unconstitutional, and he should, in consequence, think it his indispensable duty to come forward with a declaration, condemning Earl Fitzwilliam.

denning all such doctrines as repugnant to the principles of the British Constitution. Their Lordships would please to take notice, that he meant to embrace the first opportunity which might present itself in the course of the day immediately following, to submit to their attention a motion to invalidate and defeat a doctrine of a nature so alarming.

Earl Camden. Earl *Camden* having previously remarked, that the noble Earl, were he to fulfil his intentions, could only vote a truism, restated what he had said, instancing the precedent in the reign of Henry the Sixth, of the act of Parliament passed to ennoble Sir John Cornwall. He said a variety of instances could be given, of Peerages so granted by the authority of Parliament, and that a Peerage so created, was not, in his opinion, the less valid.

Earl Fitzwilliam. Earl *Fitzwilliam* observed, that he now felt himself more and more convinced of the necessity of coming forward with the declaration to which he had alluded. His apprehensions, of what he had before much doubted whether he had heard correctly, were ascertained by the noble and learned Earl's having reasserted the republican doctrine, he had before advanced, and maintained that the two Houses of Parliament were not an unfit channel to canvass for a Peerage.

Earl Camden. Earl *Camden* desired, that if he had loosely stated any point relative to the source of honours, such as a creation to the Peerage, no advantage might be taken of any inadvertent *lapsis linguæ*. No man was more convinced than he was, that the Crown, and its spontaneous will was the constitutional source of Peerage. In the instance he had stated, the fact was as he had described it; during the minority of Henry the Sixth, Sir John Cornwall had been ennobled, in consequence of an act passed to enable the Regent to grant the honour. An abundant variety of Peerages so created might be adduced, and surely, an honour so conferred, whether by the Crown, or the person exercising the Royal authority in behalf of the Crown, was not the worse for the previous advice and consent of both Houses of Parliament.

Earl Fitzwilliam. Earl *Fitzwilliam* rising again, said, that the remarks of the noble and learned Earl were becoming more and more exceptionable; and certainly were uttered in a republic, and not in a limited Monarchy. The noble and learned Earl he had first understood to mean, that the honour in question had been bestowed in consequence of a regular act of Parliament, but he now learnt that it was merely at the instance of the two Houses of Parliament. He was more than ever, therefore, confirmed in the necessity of coming forward with his proposed declaration, and he should feel for the Constitution, if their Lordships did not lend him their ready concurrence

concurrence when he did bring it forward. A confirmation of the necessity of his bringing forward the declaration he proposed, was a noble Lord's having lately stood up and avowed, that the proceedings going on were intended to delude and throw dust in the eyes of the public.

Earl *Camden* again repeated his acquiescence in that doctrine, which no man who knew any thing of the Constitution could object against. The doctrine was, that honours and rewards were derivable solely from the spontaneous will of the Crown. He was, he protested, as much an enemy to republican principles as the noble Earl. He had never meant to insinuate, that the Peerage could fairly and constitutionally originate in a proceeding of the two Houses of Parliament at their own instance, but at the instance of the Regent, intimated through the medium of the two Houses of Parliament, and in superaddition to the will of the Regent having the sanction of their advice. Earl Camden.

Lord *Portchester* declared, that the noble and learned Earl had intruded upon the House the strange and unconstitutional doctrine, that the creation of Peers depended on the concurrence of the two Houses of Parliament. Lord Portchester.

Earl *Camden* answered, that not a word which he had uttered could justify the assertion of the noble Peer who spoke last. He had not talked at all of the concurrence of the two Houses, but of an act having passed at the intermediate instance of the Regent, signified expressly to be such, which authorized the ennobling Sir John Cornwall. He repeated it, that abundant instances of Peerages created by Parliament could be adduced, but desired, if by any loose and unguarded expression, he had been understood to intimate, that it was his opinion that the honour of the Peerage could originate in any other source than the pure, spontaneous will of the Crown, or the person exercising the Royal authority, he might stand corrected, and be considered as having withdrawn any such expression. Earl Camden.

Lord *Portchester* imputed the dangerous doctrines broached that day, and all the unconstitutional opinions advanced one after the other, from time to time, to the imprudence of the two Houses not having, in the first instance, pursued the plain, direct, and obvious line of their duty, and declared His Royal Highness the Prince of Wales Regent, thus preventing all that delay which had led to accumulated difficulty and danger. He denied that the present Ministers were or ought to be considered as Ministers; they were the late servants of the Crown, and at present, they were usurpers, who had arrogated to themselves offices, which they had no right to hold, and who clinging to office to the last moment, continued in the exercise of authority, after their trust Lord Portchester.

trust and powers were at an end ; their only object could be to share the spoils of government by providing places, pensions, and sinecures, for their friends and adherents.

Lord Osborne. Lord *Osborne* (the Marquis of Carmarthen) called the noble Lord to order. He was sure the noble Lord would forgive him for his interruption, since it would afford him an opportunity of recollecting himself, and he was persuaded, that when he became cool, he would feel the injustice of applying such a term as usurpers to those who certainly could not, under the present circumstances, be deemed Ministers, but, who nevertheless were under the necessity, on a principle of duty and honour, obvious to the understanding of every man of common sense, not to leave their offices till such measures had been taken with the advice and consent of Parliament, as might render it safe for the public that they should quit their very disagreeable situations, and embrace others of greater ease, security, and comfort. The task of proposing the measures necessary to be adopted in the present arduous crisis, had devolved on those who had the honour to serve His Majesty, at the time that he had been seized with his illness, and surely, it was no very enviable task. The noble Lord, therefore, he trusted, would suffer them to proceed in the discharge of their duty, relying, as he might safely, upon the certainty that they were as anxious to retire, as they could wish them to be, from the irksome situation in which they felt themselves placed. The noble Lord had thought proper to impute to the noble and learned Earl at the head of His Majesty's Councils—

Ld. Portchester. Lord *Portchester* begged leave, in his turn, to interrupt the noble Peer, and to remind him, that what he was then saying was not to order. He should now, therefore, resume his observations, and enumerate the monstrous evils that had followed from the delay, of which the late servants of the Crown had been guilty. Among other enormities, he stated, that no longer since than Monday last, two men had been butchered by a public execution, at a time when, from there not existing a government, the door of mercy was barred against them. Those unfortunate convicts, therefore, had been deprived of (the fair chance which every other convict, during the existence of an actual government, enjoyed) the opportunity of applying to the fountain of mercy, to obtain either a temporary respite, or a final reprieve. Another circumstance of a similar nature had occurred in Scotland, the particulars of which, as he had been informed of them, for he knew them not from his own knowledge, made his heart bleed at their recollection. He had heard that two men had been executed there, after it had been intimated to the late servants of the Crown, that one of the witnesses

against

against them on their trial was believed, on no light authority, to have been the perpetrator of the crime charged upon one of the unhappy men convicted, and who had since suffered.

Lord *Sydney* declared, that, in his opinion, it was not merely an impropriety, but an example of marked injustice, to bring such violent allegations against His Majesty's servants in so sudden a manner, and without their being reduced to such a shape and form as should admit of the parties charged making a regular defence. With regard to the persons executed in Scotland, though he spoke wholly unprepared, he believed, he should be able to state the facts correctly. The two persons were convicted, in consequence of a full and solemn trial; applications had afterwards been made to Government, stating, that a witness on one of the trials was charged by the convict with having been guilty of the crime alledged against him, and of the perpetration of which he had been convicted; repeated arrests of execution had been sent down, and, since the trial of the witness in question, the law officers of the Crown in Scotland had signified to Government their clear and thorough conviction, that the persons under sentence were, beyond all question, guilty of the crimes of which they had been convicted, and the execution of the law had therefore taken place. With regard to the execution in London, the sufferers were two persons convicted of murder, who were, by the authority of a special statute, obliged to be executed within a specified period of time, unless some circumstances had been signified to have come out on their trial to make the interposition of the Royal clemency necessary. If, however, the noble Lord had any charge to make against those who had the honour to serve His Majesty, it behoved the noble Lord, in candour and fairness, to give regular notice of his intentions, that the persons criminated might come forward with their vindication.

Lord
Sydney.

Lord *Pittchester* answered, that although far from retracting his observations, he did not mean to exhibit articles of charge against Ministers; he had merely imputed the melancholy facts which he had mentioned to the delay which had taken place; and he repeated his words, that the convicts executed had been butchered, having been debarred of the opportunity of applying by petition, or otherwise, for that mercy, which had there been an existing Government, there would have been an opportunity of their applying for. He quoted Judge Blackstone's Commentaries, in which the author states, that so tender and humane is the criminal law of England, that if a convict, after receiving judgement, loses his senses, it is usual to stay the execution, from the idea, that

Ld. Port-
chester.

that if the prisoner had retained his sanity of mind, he might possibly have suggested some plea sufficiently strong to have induced Government to mitigate the severity of his sentence.

Lord Sydney. Lord *Sydney* said, that he had actually conceived that, when he heard His Majesty's servants charged with being usurpers, who staid in office merely to share the spoils of Government, and provide places, pensions, and sinecures, for their friends and adherents, he was justified in considering such an assertion as a direct and pointed accusation.

Ld. Portchester. Lord *Portchester* still contended that the noble Lord had misinterpreted his remarks; which he had urged, not as charges against His Majesty's servants, but as arguments, to prove the fatal consequences resulting from the delay which had taken place in making the Legislature complete, and he should persist in maintaining it to be one of the most prominent of those evil consequences, since the persons executed, though perhaps all guilty of the crimes alledged against them, to the utmost extent of those crimes, had certainly been executed without having an opportunity of appealing, like former convicts, by various means, to the constitutional fountain of mercy.

Lord Kenyon. Lord *Kenyon* observed, that it would ill become him, were he to listen with silent indifference to a charge of so serious a nature, and urged with such vehemence against a Judge. If the fact were true which the noble Lord alledged, it must have been owing to the criminal neglect of one of the Judges. He had hoped, therefore, that the noble and learned Lord (Loughborough) who sat near the noble Lord who had made the charge, as he had been so much longer a Judge than he had, and, possibly, might have known the fact in question, as far as it referred to the London execution, would have risen, and set the noble Lord right. It was needless to remind the House, who could not be ignorant of the nature of such a circumstance, that if, on the trial of a person convicted of a capital crime, circumstances came out, which warranted the Judge to suppose that the conviction was founded on erroneous principles, it became his duty to respite the convict; this had been done from time to time, and, he might say, from year to year. If, therefore, any favourable circumstances had appeared on the trial of the two persons executed on the preceding Monday, it was the duty of the Judge who tried the criminals to have respited them; and if he neglected this high duty, the men had not been butchered, but murdered, which was, in the contemplation of law, a much higher offence; and the Judge who had been guilty of such an act of criminal neglect, instead of being suffered to go in state to Westminster Hall the next morning, ought to be seized in his furr robes, dragged

dragged from the seat of justice, and hurried to that dungeon in which the two unfortunate sufferers had lingered their last hours of existence. Under this conviction, and these indelible impressions, he could not avoid calling upon the noble Lord to make good his charge, to put the parties accused, whoever they might be, (for, he declared, he knew not who was the Judge in question) upon their trials, and to bring the guilty persons to that condign punishment, which, if the charge were true, they most undoubtedly merited.

Lord *Portchester* answered, that he was still very far from retracting his remarks; but, when he examined their nature, he must beg leave to remind the noble and learned Lord, that, in truth, he neither had advanced, nor intended to advance, any charge against a Judge. He had not known, when he first spoke, the name of the Judge who tried the criminals convicted at the Old Baily. He had, that moment, learnt that the Judge was his own relation, and a man for whom he entertained a sincere respect; but that altered not the truth. He mentioned the facts to which he had alluded, as proofs of the various evils that had resulted from the delay suffered to take place in restoring the Sovereign authority, and though he believed the persons executed to have deserved their deaths, and knew that two of them were executed in conformity to an express statute, he should, nevertheless, contend, that they were deprived of that chance of mercy, of which the Constitution allowed all convicts to avail themselves.

Lord *Loughborough* lamented that, both at the beginning and at the conclusion of the noble and learned Lord's speech, he should have taken occasion to ascribe to him an inattention, the imputation of which must necessarily have given him pain. Undoubtedly, he had been a Judge some years longer than the noble and learned Lord, and he certainly felt so much respect and esteem for the Judges in general, so much conviction of the probity and honour of every one of them, he might say, so much of the sort of affection, implied by the term commonly used in their mode of addressing each other, that had he heard any thing which tended, in the smallest degree, to impeach their integrity, or arraign their conduct, he should have thought it his duty to have stood up, and desired that the imputation might have been reduced to a shape and a form capable of being combated. But, he had heard nothing like this; a noble Lord, speaking plainly on the evils resulting from the present conjuncture of affairs, stated, that certain convicts had been debarred from the opportunity of appealing to the best attribute of the Throne, and of soliciting, through the different channels of ordinary application, that clemency which was the peculiar ornament and

and glory of the Crown. With regard to the supposed imputation on any one of the Judges, he denied that any existed. A Judge might try a prisoner, pass the sentence of the law upon him, which, undoubtedly, was the sentence of the law, and not the sentence of the Judge, and not feel himself warranted to make a report in his favour. When he said this, he spoke from his own experience; it had happened to him, and that more than once or twice, or thrice, that he had tried prisoners; they had been capitally convicted; he had carefully revised all the circumstances of their trial, and not being able to discover, to the satisfaction of his own mind, a single reason to justify a report in their favour, he had reported that he could not think himself warranted in recommending them to mercy. He had done this; and, nevertheless, mercy had been more than once extended to persons of that description, and, he verily believed, on a very fair and proper principle. He particularly recollected a case in Norfolk, where four prisoners had been capitally convicted, and he had not, upon the most scrupulous revision of the trial, discovered to his own conviction, any difference in their cases, separately considered, which appeared to him to warrant his reporting of one more favourably than of another; and yet it happened, that the Royal mercy was extended to one of them, and he thought very fairly; it having been considered, that it was possible that one out of the four might be saved, without injury to the effect of the law. In stating these facts, he did not hesitate in the least to risk his own character for humanity as a judge. He had always held it to be more humane, as well for the example of others, as for the enforcement of the object and intention of the penal statutes, where the guilt was evident and glaring, rather to let the law take its course, than by a mistaken lenity, to multiply offenders, and accumulate the sacrifices at the shrine of what was falsely considered the sanguinary spirit of our criminal laws. Quitting this subject, Lord Loughborough now adverted to what had passed between the noble Lord at the head of His Majesty's Council, and a noble Earl near him, relative to a Peerage being created by the authority of an act of Parliament. He contended against the mischief of encouraging any such idea to obtain ground, and urged the danger of its admission as a doctrine authorized even by the sanction of an individual Peer of Parliament delivered in debate, reminding their Lordships, that, although admitting the noble and learned Earl's doctrine in its fullest extent, a Peerage bill might originate in a message delivered either at the instance of the Crown, or at the instance of the Regent, nevertheless the House of Commons would immediately be let into their share of creating a Peer, the honour of the Peerage would be put

put to the vote, and thence a most unparliamentary interference of the other House with the constitution of that House, would be established; a doctrine too monstrous to be permitted for a single moment! He hoped, the noble Earl would, by a full disavowal of the doctrine, render his noble friend's intended appeal to the House unnecessary. The use and advantage resulting from the power of creating Peers remaining entire, free, and unrestrained, in the hands of the executive Government, was an incentive to public spirit and public virtue; and their Lordships might recollect the ancient mythological fable, representing the Temple of Honour as placed behind the Temple of Virtue, meaning thereby to inculcate the doctrine, that all who obtained admission to the latter must necessarily pass through the former, since it was supposed that no person could deserve honour, who had not manifested proofs of virtue.

Earl *Camden* answered, that it would have given him great concern, if he had not made what he meant intelligible by his explanations, and if he had not rescued himself from all possible imputation of either broaching or maintaining an unconstitutional doctrine. He, therefore, begged leave to re-assert that he had not entertained the most distant idea of laying down positions repugnant to the ideas which the Constitution supported, respecting the creation of Peers, and if any words which had fallen from him warranted such a supposition, he trusted that now their Lordships would consider him as totally retracting every syllable of such a nature.

Earl *Fitzwilliam* remarked, that he considered this full disavowal of a most unconstitutional doctrine, as at once candid and satisfactory.

The *Lord Chancellor* professed himself to have entertained a wish, that instead of answering the argument of the noble Earl, who had threatened to introduce an abstract proposition, and call upon the House to vote a truism, the noble and learned Earl would have challenged the noble Earl to have come forward with his proposition, and take the sense of the House. The noble and learned Earl was right in his argument; it was indisputable that Peers had been created by the authority of Parliament. In point of fact, in a certain period of our history, Peers were as often created that way, as any other. With regard to the noble Lord who had charged Ministers with usurpation, and had talked of the butchery of certain convicts who had suffered the sentence of the law, he imputed much of the violence of that noble Lord's charges against Ministers to the natural warmth of his temper, which would not allow him to reflect on the injustice of suddenly and loosely urging an accusation against men, whose characters for integrity, rectitude, and a faithful

ful discharge of the duties of their office, were as dear to them as any principle of action on which the noble Lord might pride himself. Let the noble Lord recollect, that a charge of having suffered men to be butchered, was of that sort to which no human breast could submit, and that he, and every other man, standing in a public and responsible situation, must necessarily feel that such a charge ought not to be slightly urged. If the noble Lord thought himself in possession of any fact to ground either of his charges upon, for charges, he should contend, most undoubtedly that they were, let him come forward and state them. But, the noble Lord ought to state them specifically and in form; let the noble Lord attack him like a man, and he would answer it as a man, but he ought not to be expected to sit silent, and hear himself arraigned in the grossest manner, without endeavouring at least to repel the blow.

Viscount Stormont. Viscount Stormont stated his sentiments respecting the restriction as to the Peerage, and the amendment moved by the noble Earl. He declared he would support the latter, though he by no means approved of the restriction itself, which, he thought, came with a very ill grace from those, who had exercised the power of the prerogative with a liberal hand, and thence held out to the world, that in their opinion, at least, the power of making Peers was peculiarly essential to the existence of a good government. In the course of five years, the present Administration had created forty-two Peers. Calling His Majesty's reign therefore, for the sake of easing the average, only five and twenty years, in that period, if the prerogative of making Peers were exercised in proportion to the ratio of the last five years, no less than two hundred and forty Peers would have been created in the present reign; which, if it were true, as the noble Earl at the head of His Majesty's Councils had stated, that there ought to be a certain quota of Peers only created in every reign, was a tolerably large quota for the present reign. Viscount Stormont argued the great necessity for this prerogative of the Crown to be freely exercised by the person or persons, whoever he or they might be that represented the third estate, and appealed to the House itself whether, if the power in question had not been exercised during the last ten years, the public and the country would not have suffered many great inconveniences. Among other material losses which that House in particular would have sustained, it would not have enjoyed the advantage of the presence and abilities of the two noble and learned Lords who had just spoken. To enforce his reasoning respecting that disadvantage (a disadvantage which he was persuaded their Lordships would admit with him to have been real and

and substantial, had they suffered it) he would go a little into detail, which was sometimes the most effectual mode of arguing. Ever since the discussion of the question respecting the Regency, they had lost two persons of great character and consequence in the country, (Lord Grantley, and the late Speaker of the House of Commons) and it was impossible to say, what farther ravages the fell tyrant, whose irresistible power they must all one day submit to, whether crowned or not, might make among them. At present, there were not more than five noble and learned Lords, Members of that House, who usually attended. No one of these five (Lord Camden, Lord Bathurst, Lord Thurlow, Lord Loughborough, and Lord Kenyon) could render their natural existence, like their reputations, immortal; it was impossible, therefore, to say how soon their Lordship might be deprived of the benefit of their assistance. Should such an unfortunate event (which no man could more sincerely deprecate than he did) take place, and the Regent be deprived of the power of adding to the Peerage, to what a situation would that House be reduced? In what a lamentable condition would the property of the kingdom stand? Causes of appeal of infinite magnitude and importance, involving questions of great legal subtlety might come before them, and surely none of their Lordships would say, that the issue of appeals of that description ought to rest on the decision of integrity alone. The assistance of Peers of professional knowledge was clearly indispensable; and yet from the case he had put, their Lordships would see, that if the restriction, disabling the Regent from making Peers, were adopted without its being, as the amendment proposed, confined to a limited time, they would be exposed to the chance of being deprived of such very necessary assistance. Great, indeed, was the necessity of preserving the whole chain of Sovereign authority entire. The first link ought to be fastened to the foot of the Throne, and proceed regularly, link by link to its termination. Let them, as they had been well advised, beware how they shut the door upon the power of creating Peers. The door once locked, they would no longer have the key in their possession, nor would it be in their power to obtain it again. He reminded their Lordships of the pride and vanity natural to human nature, and thence argued against their own weakness, which might induce them to resist any attempt hereafter to restore that branch of the prerogative. He reminded them of the Regency bill that had been introduced in the reign of George the First, and recapitulated all the circumstances of it, observing, that the Minister of that day, who was undoubtedly a man of ability, stood upon the baneful ground of introducing

roducing dissention into the Royal Family, and poisoning the ear of the Sovereign against the Prince of Wales, the Heir Apparent. He afterwards cautioned the Committee against consenting to take from the Regent any part of the Royal prerogatives, contending, that as his government, from the uncertainty of its duration, and its want of permanency, would unavoidably be weaker than that of the Crown, it ought to have the benefit of being armed and fortified with every power granted to the Crown in aid of its executive authority, and asserting, that if it were insisted on, that powers were given to the Crown that were not absolutely necessary to the government of the Regent, the plain inference must be, that more powers were possessed by the Crown than were absolutely necessary, and all such superabundant powers, every man would admit, must be mischievous, and ought not to remain a moment longer. He took occasion to allude to the conduct of Richard Duke of York, of whom they had heard so much before, who in the character of Guardian of the kingdom, during the infirmity of Henry the Sixth, put the great seal to a commission issued in the name of the King, purporting to authorize the levying of troops to proceed against the traitors, which traitors, so described, were no other than the Queen herself, and all those who had, from principles of loyalty, ventured to support the sinking cause of Henry the Sixth. This he instanced as a proof of the dangerous abuses that might be grounded on a fiction of law representing the King's authority, and in confirmation of it, he mentioned that a similar commission had been issued in France, in the name of the Queen of Henry the Third of that kingdom, by the young Duke of Guines, who, in his early career, affected to have the support of the government for his object in taking up arms, but who ultimately endeavoured to ruin the interests of the best Monarch that ever sat upon the Throne of France, Henry IV.

Ld. Chancellor.

The *Lord Chancellor* said, that he must take the liberty of declaring that he concurred completely with the noble Viscount in the position, which he laid down with so laudable an emphasis, that the man who endeavoured to sow dissentions in the Royal Family, and to set the different branches at variance, deserved the execration of his country, and acted with a degree of baseness beyond any other species of human depravity. He trusted, however, from the little he had been able to see of the Royal circle, that there was no probability of any such event as a disunion in the family taking place, and therefore he hoped, that instead of attempting to insinuate that Her Majesty's holding the patronage of the household was likely to operate to the disadvantage of the Govern-

ment of the Regent, it would be insisted, on all hands, as more likely to be exercised to its strength and its advantage. He declared he felt what had fallen from a noble Earl, early in the debate, as the most handsome thing that had been said upon the subject in the course of the discussions relative to the Regency in either House of Parliament. He alluded, he said, to the noble Earl's emphatical declaration, that he was most perfectly convinced, that the patronage of the Royal Household was not likely to be exercised by the exalted Personage, in whose hands the resolutions went to place it, to the disadvantage of the Prince Regent, her son. That was the true point of view to regard it in, and, for the peace and quiet of the country, it ought to be so argued. Amiable was the conduct of the Prince of Wales; and to such a mother, he could not but act with every possible tenderness and regard. He was proud to confess that he thought the House highly obliged to the Prince for having set the question of right, which had accidentally been started, and, he verily believed, without any serious intention of insisting on it, completely at rest, by the very explicit and satisfactory message, which they had all heard delivered with so much propriety and force in that House. For that, they were already indebted to His Royal Highness, and he trusted they should be still farther indebted for various instances of good sense, and proper regard to what concerned the quiet and interest of the Public. After more comment on the necessity and probability of the continuance of the most perfect harmony and union in the Royal Family, the Chancellor proceeded to notice some of the arguments that had fallen from Lords who had spoken against the question in the course of the debate. He began this part of his speech with declaring, that he had not perfectly understood the logical definition of right, as stated in two different ways by a noble and learned Prelate. The noble and learned Prelate had quoted Grotius as stating the right of any man to be "his moral right to possess himself of any thing conformable to law." Now, this definition could not apply to the Regency; such an office as that of a Regent not being recognized by any part of the common, or of the statute law, and, consequently, no analogy of law could be brought to bear upon it; nor indeed, did Grotius mean to refer to any such matter; but, for he well recollected the passage, to refer solely to a right existing in a state of nature. The other definition which the learned and noble Prelate had quoted from a different authority than that of Grotius, viz. "a moral right to possess any thing consistently with law," warranted not the application of the inference that the noble and learned Prelate had drawn from it, since, if it could be deemed a fair argument to say that

that the Prince of Wales had a right to the Regency, because it was not inconsistent with any known law for him to possess it, it might with equal fairness be urged, that the noble and learned Prelate had as good a right to it, upon the very same ground of reasoning. Another remark made by the noble and learned Prelate, was relative to the demise of His Majesty: the noble and learned Prelate had argued that His Majesty, having been by infirmity rendered incapable of exercising his political capacity, was to be considered, during the continuance of such incapacity, as having undergone a natural demise, and therefore to be in a state of temporary natural demise. Against this position, he should contend, that it was the clear language of law and the constitution, that nothing but the death of the King could be deemed the natural demise of the Sovereign. He next proceeded to shew, that by a subsequent part of the Bishop of Landaff's speech, the noble and learned Prelate had forgotten what he had said of the temporary natural demise of the King, and had reasoned upon his natural and political capacity remaining; he meant, he said, where the noble and learned Prelate had suggested the plan which he thought the two Houses ought to have pursued, viz. that of calling upon the Prince to act legislatively in the name of his father. All commissions and instruments of authority would, in that case, necessarily have the great seal of England annexed to them, and they would, he supposed, run of course in the name of George the Third, which would be absurd, if the King could be supposed to have undergone a temporary natural demise. He reminded Lord Stormont, that the precedents of Henry the Sixth's reign were not; it was evident, thought equally ill of, as the noble Lord imagined, in all parts of the country, since the noble and learned Prelate had so heartily approved of the transactions on the death of Henry V. that he had declared that he wished the whole precedent had been gone upon. The noble and learned Prelate, he must observe, was mistaken in supposing the two cases, that of the minority of Henry VI. and our present situation to be at all similar. When Henry the Sixth became King, there was no Parliament, no Judges, no Sheriffs, nor any other officer to carry on the law, or the public business; whereas now there was a Parliament existing, regularly convened, and in full force. The administration of justice proceeded, and the proper officers were capable of executing their respective functions. The Chancellor here stated the transactions which took place on the accession of Henry the Sixth, of the Chancellor's carrying the great seal to him in his cradle, and the Duke of Gloucester's delivery of it to the then Master of the Rolls. He also said that, notwithstanding so much had been urged
against

against the precedents afforded by the reign of Henry the Sixth, Lord Chief Justice Hale relied on them as good authorities for most of the fundamental principles of our Constitution. He owned, he did not dislike the idea suggested by the Bishop of Landaff, and observed that something might, in future, be made of it. He denied that all the powers and prerogatives of the Crown could be necessary for the Regent, and contended that it was their duty to reserve something to mark the rank and dignity of the King's person, who ought not to be stripped of every rag and symbol of Royalty. He commended the independent spirit of Lord Fauconberg, that had induced him to repel the idea of the Lords of His Majesty's Bedchamber being at the back of the Minister for the time being; but said, that he had been a little surprised that the noble Lord should have so far mistaken the noble Earl at the head of His Majesty's Council, as not to have seen that the drift of the noble Earl's argument had been to rescue the Lords of the Bedchamber from the calumny cast on them elsewhere. When the noble Viscount had talked of taking power from the Regent, he was perfectly at a loss how to understand the phrase. Where was it to be found that there existed any such officer as a Regent; or, if it could be found that there had existed any such office, how were its powers defined? He denied that there ever had existed in the contemplation of law such a thing as a Regent. He had heard of King's Lieutenants, Guardians of the Realm, and Protectors, but never before of a Regent; and, consequently, a Regent could possess no other power than the two Houses chose to bestow. He argued against there existing a necessity for the Regent to have a power to make Peers, and maintained that more real influence would result to the Regent's Government, from their having the power to make expectations, than could possibly be the case, were they to be enabled immediately to make Peers. He stated, that he knew but of two modes of making a Peer; the one, of summoning persons to that House by writ, or creating Peers by patent, both of which were necessarily inherent in the Crown, as the fountain of honour; and could not, with safety, be lodged in other hands; nor ought they, at any time, to be put in trust for the Crown, unless in a case of absolute necessity, and no such case, he presumed, would be pretended to exist at present. With regard to the amendment proposed by the noble Earl, he admitted that the restrictions must, in their nature, be temporary; but, the difficulty lay in the positive uncertainty to what time the King's recovery might be delayed; to declare, therefore, generally, that they should continue only for a time to be limited, was by no means removing the difficulty. Whenever His Majesty's physicians should, unfortunately

fortunately for that country, pronounce His Majesty's malady to be so confirmed by continuance, that his cure was, in their opinions, either impossible, or highly improbable, he should then think the operation and effect of the restrictions ought to cease and determine, and Parliament would, at all times, have it in its power to make the provisions necessary for this purpose. With regard to what had been said of the risque of leaving the removal of the restrictions to the danger of future contingencies, he should remark, that he had full confidence in the honour and independence of that House, and he did not doubt but that the same degree of honour and independence would continue, and that when the time fit for taking off the restrictions should arrive, that House would willingly co-operate with the other estates of the Realm in putting a legal end to their duration.

Previously to the conclusion of his observations, the Lord Chancellor denied that any person who had acted as Guardian of the Realm, or Protector, had ever possessed the full exercise of the Royal prerogatives, that self constituted Regent, Richard the Third, alone excepted. He also justified what had been deemed a fiction of law, and ridiculed as such, declaring it to be the only constitutional mode of proceeding that could be resorted to, and remarking that, if the restrictions proposed were objected against, he should expect to hear what trick those who opposed them, would have advised the adoption of, as a more safe, more respectful, and more legal mode of proceeding, in a case so difficult and embarrassing.

Viscount Stormont. Viscount *Stormont* declared that he had not talked of taking from the power of the Regent, but had argued for the necessity of the executive Government, in whatever hands placed, having the advantage of all the powers and prerogatives of the Royal authority. The Regent, he well knew, must be their creature, and could have no power but what they invested him with; it did not, however, follow of consequence, that it would be either wise or proper to withhold from him any of those powers which were deemed necessary to the carrying on of a vigorous and efficacious Government, when the Royal authority was exercised by the Sovereign himself. He was always happy to hear the noble and learned Lord, because, after the noble and learned Lord had delivered his sentiments, there seldom remained any thing latent in any business, to which the noble and learned Lord's sentiments referred. By the manly and open way in which the noble and learned Lord had just delivered himself, their Lordships had derived this eminent advantage: the secret was discovered, and they were in full possession of the whole circumstances of the case. It was no longer doubtful for what period

period the limitations and restrictions were to last; it was now avowed that they were to be permanent and perpetual. For, what had the noble and learned Lord declared? Not merely that Parliament would have the disposal of them in its power, which they all knew, but that, in the noble and learned Lord's opinion, they ought to be taken off, when that circumstance should occur, which they must all see was impossible ever to happen. The noble and learned Lord had said, that when the unfortunate moment should arrive, that His Majesty's physicians should pronounce his malady so far confirmed, that there was no probability of a cure, he should think it then proper to put an end to the limitations, and take the restrictions off the Regent. It had been urged, in the course of the debate, that His Majesty might probably recover in the course of six months, or his disorder might continue twelve months, or a year and a half. Should not the event of his recovery take place before the end of either of these periods, their Lordships well knew, that the malady His Majesty laboured under was of so fluctuating a nature, and assumed, from time to time, such different and delusive appearances, that although His Majesty's physicians might not be able to say, whether he would be cured or not, they might not think themselves warranted to declare that there was no probability of a cure.

Earl *Fitzwilliam* maintained the justice of his remarks re- Earl Fitz-
lative to a noble Lord's having professed to throw dust in the william.
eyes of the People, and by a fiction and form of the Consti-
tution, appeared to have regularly adhered to it. He de-
clared that he had not alluded, as the noble and learned Lord
imagined, to any thing said by him, but to another noble
Lord, who, after having instanced what had passed on the
accession of Henry VI. had resorted to the Continent for a
precedent of the same sort of proceeding, and had stated that
a *lit de justice* had been holden when Louis the Fifteenth
was an infant, and he had been taken by his governante to
preside at it, and had in appearance directed the Chancellor
how to proceed.

Lord *Hawkebury* declared, that he had not stated the pre- Lord
cedent of what had passed in France in the minority of Louis Hawke-
the Fifteenth to the extent that the noble Earl had ascribed bury.
to him. He, nevertheless, admitted that he had contended
that the preservation of the Constitution itself depended on a
faithful adherence to its forms, in moments of difficulty like
the present, and that, in all countries, when an unforeseen
calamity rendered the exercise of the Royal authority defec-
tive in the hands in which, for the wisest purposes, the Con-
stitution had placed it, there would be found large bodies of
men, whose duty it would be to assemble, and advise what
means

means should be provided for the substitution of some person or persons to hold the reins of Government.

The question was put on the amendment, "That these words be added to the question," when the Committee divided,

Contents, 67; Not Contents, 93.

The Committee afterwards divided on the main question,

Contents, 92; Not Contents, 64.

The House then rose.

Friday, 23d January.

The order of the day being read for going into a Committee on the State of the Nation, and for proceeding with the adjourned consideration of the resolutions from the Commons, Lord Walsingham took the chair

The third resolution was then read, restricting His Royal Highness the Prince of Wales, from the power of allowing any grant, reversion, patent place, or annuity for life.

Viscount Stormont. Viscount *Stormont* observed, that conceiving the same reasons to operate against this restriction, which had been so fully urged against the former, he would not trouble their Lordships with one word of argument, but content himself with moving the same amendment that had been unsuccessfully moved on the former, that it be limited with regard to time.

Lord Cathcart. Lord *Cathcart* having premised, that if his recollection served him, a right reverend and learned Prelate, (the Bishop of Landaff) at the opening of his speech, on the immediately preceding day, intimated that the Lords of the Bedchamber, the Bishops, and the Scots Peers, were considered as not equally independent in their political conduct with the other Members of the House, added, that he could not avoid reprobating this suspicion, and vindicating his own independence as an hereditary Peer. Notwithstanding his great respect for the right honourable gentleman at the head of His Majesty's Ministers, and the great deference he felt for his opinion, there were other persons with whom he was connected by nearer intimacy and by closer ties, whose opinions with him would have equal weight, and by whom, if he were to be influenced at all in forming his judgement, he was more likely to be influenced. Lord Cathcart proceeded to state the grounds on which he had formed his opinion on the present question. He made a distinction between the government of a King and that of a Regent, and argued, that to the former the attribute of absolute perfection was necessarily given, but not to the latter. He enumerated the various prerogatives of the Crown, and endeavoured to shew, that the powers intended to be given to the Regent, were all which

which were necessary for the purposes of a delegated and temporary Government, and that those intended to be withholden were not necessary, but such as the King alone, in his own personal, as well as his political capacity, ought to exercise. He observed, that on a former day, it was declared that the subject should be met fairly and fully in discussion, not only for their Lordships' information, but the information of the Public. This led him to some rumours he had heard of the purchasing of newspapers, by certain persons, who, supposing that the popularity of the present Minister had originated in a great measure from the newspapers, were willing to establish their own by the same means. Men had certainly a right to lay out their money in whatever species of property they pleased; but, he apprehended that if the Public found the prosperity of the Nation increase, and the value of the funds in no danger of being diminished, they would not look to newspapers for the popularity of any Minister. Was there any one weak enough to suppose, that the popularity of the Regent, of the most accomplished Prince the universe could boast of, would depend on newspapers? Those who had stated certain doctrines of so dangerous a tendency as to alarm the minds of all men, had given him the most effectual means of increasing his popularity. By such doctrines, a Prince whose mind was weaker, and his reverence for the Constitution less inviolable, might have been induced to depart from that line of moderation which had been the guide of his conduct; but he had taken the earliest opportunity of quieting the general alarm by an intimation the most gracious which he had ever heard or expected to hear; and when that intimation was made known to the Public, the universal exclamation must have been, "God bless the Prince of Wales!"

Lord *Rawdon* remarked, that as it had been groundlessly imagined, during the course of a former debate, that he meant to preclude the discussion of the question before the House, he had said that he was ready to meet it fully and fairly for their information, and the information of the Public. He would now endeavour to satisfy the noble Lord and others of the cause of his opinion, as shortly and as clearly as he could. Their Lordships had been called there, in consequence of a calamity which occasioned the suspension of the powers of the Crown and the executive Government, to deliberate on the best means of renewing those powers, and restoring the activity of that Government. In doing this, what principle had they been convened to renew? Were they to question the extent of the Royal authority, or to discuss what part of it was necessary for the good of the Public, or what was needless? If so, they ought to come at once to an

vestigation. In times when indefeasible hereditary right was the doctrine of Government, when the powers of the prerogative were considered as the birth-right of the possessor for his own advantage, not for the benefit of the Public, every encroachment on the Crown was so much gained to the community; and every struggle against the Crown had acquired a popularity which it did not discover. In the various contentions between the Crown and a powerful Nobility, the assistance of the People had been called for, sometimes by one party, sometimes by the other, and, in general, something had been gained for themselves. But, the People ought to remember, that when their assistance shall be no longer wanted to protect the high Powers against the Crown, they will no longer be protected by the higher Powers. If the Crown possessed prerogatives which were not necessary to the purposes of Government, these prerogatives ought to be taken away. At the Revolution, all the restrictions were made, which could be made consistent with the public welfare. The powers then given had been often re-considered since, and were now not only confirmed by general consent, but sanctioned by experience, and could not be altered without the same national consent which gave them. When the misgovernment of James the Second obliged the Convention Parliament to assume the whole powers of Government, they presumed that the national consent compelled them to do so by the necessity of the case; and they prevented an opposition to the new settlement by actual force. A subsequent Parliament, chosen by the free suffrage of the Public, gave the *fiat* of the People; and it ought not now to be altered, without the same *fiat*. Would any one say, that there was at present such a dissolution of Government as authorized their Lordships to alter and new mould the Constitution? If there was, they were not to alter it. They were no longer Peers of Parliament, but must mix with the general mass of the People. Every body of men in the kingdom, of equal number, had equal authority, and a greater number would have greater authority. If there was a devolution of the executive power on the two remaining branches of the Legislature, they were not to act on by discretion or caprice; there were certain specific grounds established by the Constitution on which they were bound to proceed. If they altered the powers of the prerogative, if they took away one and retained another, they would sanction the views of the first ambitious and designing man who should appear to take advantage of the precedent which they had set. Against the precedent of the noble Peer, (Lord Cathcart) that there were certain powers to be given to a King, and certain powers to a Regent, Lord Rawdon said that he must beg leave to contend, that

that the kingly office was precise and indivisible, without any reference to the person by whom it was exercised. He disapproved of the manner in which the great officers of the household had been mentioned, and professed his firm persuasion, that none of those noble Lords were biassed in their political conduct from the offices which they held. But, would the withholding the patronage of the household from the Regent, facilitate the re-assumption of the Government by the Sovereign? Were His Royal Highness the Prince of Wales to forget his filial duty, to renounce all those virtues which adorned and dignified his character, and to endeavour to prevent that re-assumption, would the patronage of the household ensure him success? Would a vote of Parliament prevent the return of a beloved Monarch to the Throne, to which he would be called by the unanimous voice of an affectionate People, to whom Parliament itself was responsible? Neither the virtues of the Queen, nor of the Prince of Wales, were the grounds on which the question was to be argued; and he lamented that the names of those exalted personages had been so frequently introduced into the debate. But if the question was to be argued on the abstract grounds of justice and policy on one side, it was perfectly fair to require that it should be argued on the same grounds on the other. If to guard against the frailty of human nature was the object, let them see on which side that frailty was exposed to the greater temptation. The Prince of Wales would be called only a little before his time to the exercise of that authority which must, one day, become his right. He would be placed in no unexpected situation, to which his mind had not been accustomed to look forward. It was, therefore, not likely that the impression which the temporary enjoyment of power made upon him would be very great, or that he would be very strongly tempted to retain longer than was necessary what he knew must finally descend to him again. The Queen, unaccustomed to any political influence, knowing that, by the constitution of the country, she could never possess any under other circumstances, would be placed in a situation equally new and unexpected. The impression it made on her would be proportionally strong, and the temptation to retain what, when once given up could never be recovered, was proportionably great. The last resolution, Lord Rawdon observed, consisted of three distinct propositions—that the Queen should have the care of His Majesty's person—the powers with which she ought to be vested in consequence of that trust—and that a Council for her should be appointed. These propositions, he thought, should be separated, and the nature of the council, as well as the persons of whom it was to consist, explained.

Lord Osborne. Lord *Osborne* (Marquis of Carmarthen) observed, that he should not hesitate most fully to acknowledge, that the regal powers were intrusted to the King for the benefit of the People; but he contended, that from thence it did not follow, that when the Monarch was, by a temporary indisposition, rendered incapable of the exercise of his sovereign powers, they should devolve to another, and that the person appointed to the exercise of the Sovereign authority, should be vested with all the power of the Crown. He could not agree with the assertion that the Constitution was injured by the restrictions, because they restrained the powers of the Crown; on the contrary, he regarded them not only as strictly proper, but perfectly constitutional. He considered the Queen as the fittest person to have the care of the King, and the direction of the household. He would not for a moment entertain an idea that the patronage proposed to be intrusted to Her Majesty, in the care of the Sovereign, would ever be exercised against her son's government. What opposing interest could there be? In what did the interest of the Queen and the interest of the Prince differ? They had one general, one united interest, and they could not oppose each other's interest, without injuring the interest which was common to both parties. With respect to the noble Lord's wish to know who were to constitute the Council of Advice to Her Majesty, that would be explained by the bill to be brought in. The continuance of the whole household ought to remain under the direction of the Queen; and if it were taken out of her hands, it would be adding insult to affliction. As to the present Lords of the Bedchamber, he was sure that they were men of strict honour, and far above the reach of influence. He revered his Sovereign, he loved the Prince of Wales, and he felt the highest respect for Her Majesty; but he most revered and loved the constitution of his country; for an adherence to the principles of which, as well as for unshaken loyalty to his Sovereign, he should always consider himself as responsible.

Marquis Townshend. The Marquis *Townshend* said, that Ministers would prove highly reprehensible, if they ventured to overburden the country by an additional expence to support the state of the Regent, when the present established household would serve to attend upon His Majesty and the Regent. All the domestics, up as high as the Grooms of the Chamber, might wait on His Majesty, while the Lords with white slaves, and all the higher officers, who could not now be upon any duty about His Majesty's person, might attend the Regent, and make a part of his state and splendor. The Marquis spoke also of the military establishments at St. James's the yeomen of the guard, and gentlemen pensioners. He asked
of

of what use were they at this time? Were they left in an empty palace to guard the old tapestry? Why were they not placed under the Regent? Dr. Willis, he was persuaded, did not want a reinforcement of such assistants. A want of economy was evident in the providing a new and unnecessary establishment, which seemed repugnant to the principles of the present Administration, who had not only professed to be friends to economy, but acted upon that principle, and he would do them the justice to say, acted laudably for the Public, and to the effectual service of their country.

The Duke of Chandos and Lord Kinnaird rising together, an altercation ensued who should speak first.

The Earl of *Derby* said, that he wished the noble Lord to be heard first, because he had been called upon by the noble Lord in the chair. He would not, however, take upon him to say, that he was, from that circumstance, entitled to speak before the noble Duke; but he thought that in that respect their Lordships ought to regulate their proceedings from the practice of the other House.

The Earl of *Sandwich* contended that the noble Duke was undoubtedly entitled to be heard first, if he insisted on it. He had frequently been a witness to such altercations; one in particular had happened between Lord Lovel and another noble Peer, which was impressed upon his memory from a very odd circumstance; the question of right was decided in favour of Lord Lovel, but when he stood up to speak, he had nothing to say.

Lord *Walsingham* (the Chairman of the Committee) remarked, that the noble Lord had certainly caught his eye first; but as the noble Duke might conceive that he was more immediately interested, he had called upon him, in hopes that the noble Lord would give way.

Lord *Kinnaird* then observed, that if the noble Duke considered himself personally alluded to, he certainly would yield to him from that consideration, as well as to save the time of the House, by putting an end to fruitless altercation.

The Duke of *Chandos* approved of the resolution, and disliked the amendment. He lamented the illness of the Sovereign, with whom, he said, he had lived in habits of respectful acquaintance for forty years. He assured their Lordships, that he would much rather deliver up his office, which he was ready to do than be suspected of being influenced by it in his vote: the emoluments of it were what he least considered; he had never connected himself with any Administration from the time he had first come into that House, to the present moment. He had supported the present Administration from principle, and he knew them to be an Administration which had rendered the greatest services to

to their country. The Duke, parodying what Mr. Pitt's father had said of General Wolfe, pronounced the present Chancellor of the Exchequer an heaven-born Minister!

Lord Kinnauld. Lord *Kinnauld* rose for the purpose of endeavouring to facilitate the business, by proposing that the question might be put on the amendment to the resolution which had been read. He meant afterwards to request the indulgence of their Lordships at more length.

The question being put on the amendment, the same was rejected, and the resolution, as it originally stood, was agreed to without a division. The resolution respecting the King's personal property being read, and it being moved that their Lordships do agree with the Commons on the said resolution,

Lord Loughborough. Lord *Loughborough* objected to it, as totally useless and nugatory, because the King's personal property was already amply secured by statute.

Lord Kenyon. Lord *Kenyon* said, that it was true that all the property which the King held, *jure coronæ*, was secured by statute; but the object of the present went farther; it consisted with his knowledge that His Majesty held a copyhold estate in the neighbourhood of Richmond; and surely the learned Lord would not say that it was secured by statute.

Lord Loughborough. Lord *Loughborough* replied, that as the whole of His Majesty's property was secured by the civil list act of Queen Anne, he could not but consider it as a matter highly disrespectful to the honour and character of the Prince of Wales to suppose that he would lay his hands on a little copyhold estate, which formed a part of Kew Garden.

Ld. Chancellor. The *Lord Chancellor* declared, that if he were to consider the restrictions on the ground of necessity for providing against the Prince of Wales, he should give his vote against them all; for, he was so confident of the goodness of His Royal Highness's heart, that were he to be entrusted with the most unlimited power, no degree of danger of an ill use of it might be expected. He begged their Lordships to remember, that in the discharge of their duty, they were not to consider of any respect due to this or to that person, but to decide as the occasion required; if they did otherwise, they would do absolutely wrong. They were to consider the resolution as applicable to a Prince of Wales, and to persons in general; they were to give to the new office to be appointed all essential powers, and no more than were essential. He did not suppose that any persons who might be about His Royal Highness would advise him to alter the real property of his father; he did not believe that, if he was so advised, he would follow the advice; nor did he believe he would do it of his own will; but notwithstanding he had so high an opinion of his

His Royal Highness, he felt it his duty to put every consideration of personal respect out of the case, and yield to the indispensable necessity for the resolution.

Lord *Loughborough* declared, that the restriction was actually a most unwarrantable reflection upon the Prince of Wales, insinuating, that unless he was restricted, he would presume to dispose of his Father's property. It was considered as a libel, if any person sent to another the commandment out of Holy writ, "Thou shalt not steal," as it implied by the caution, that the person to whom it was sent was a thief; and he, for his part, conceiving similar ideas of the restriction, should strenuously endeavour to resist its passing.

Lord
Loughbo-
rough.

The question was then put upon the resolution, and carried without a division.

The fifth resolution, for the purpose of intrusting to Her Majesty the custody of the King's person, and the control and management of the household, was next read.

Lord *Rawdon*, rising for the purpose of dividing the motion into three distinct propositions, appealed to the Chairman for information what sort of motion he ought to make, to answer his purpose?

Lord
Rawdon.

Lord *Loughborough* expressed his fears that if the whole proposition were put together, it would perplex their Lordships in voting, because there might be some noble Lords who would vote for one part, and some for the first and last, leaving out the middle, that which gave Her Majesty the power of removing and appointing officers.

Lord
Loughbo-
rough.

Earl *Bathurst* contended that, as it was a resolution sent up by the House of Commons, their Lordships could not divide it. The only question they could put, was to move, "That the Committee do agree to this resolution of the House of Commons," and then any noble Lord who wished to get rid of any part of it, might move, by way of amendment, to leave out such and such words.

Earl
Bathurst.

The Duke of *Richmond* thought that the question by no means complicated or embarrassed; the second and third parts naturally followed from the first, and, in his opinion, the component parts went together.

Lord
Rawdon.

Lord *Rawdon* said, that he would move that the question be now divided.

Lord *Loughborough* observed, that it was neither fair nor candid to oblige any noble Lord to vote for the whole of the three propositions connected together. Perhaps, no person would object to the first proposition, for committing the care of His Majesty's person to the Queen, but many might object very forcibly to the second part, and be extremely averse to putting the patronage of the Household into her hands, from a per-

Lord
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a persuasion that it ought to go along with the other patronage annexed to Government.

Ld. Chancellor. The *Lord Chancellor* said that, for his part, he was ready to take it as a clear proposition, that the first and second propositions went together, and that the third naturally followed the two former. If any person thought the three parts were single and separate propositions, he might take the means of separating them, but he could not do it by a motion to divide the question. It had fallen to his lot to have read a considerable part of the journals of that House, and of the other, and a motion to divide the question, was a motion perfectly new to him, the regular question always being, "That these words stand part of this motion."

The Marquis Townshend wished to vote for one part, but not for another.

Lord Loughborough thought it a fair proposition, that a complex question be divided.

Ld. Chancellor. The *Lord Chancellor* declared, that it was far beyond his power to form the least conjecture as to the grounds upon which noble Lords conceived it possible for the King to be placed in the hands of Her Majesty, without giving her the superintendence and control of the household. His opinion was, that all which belonged to the household must at the same time, with the care of the King's person, be put under Her Majesty's control and management. There was no other way of preserving the King's dignity, but keeping him with all his Royal attendants about him. If they separated the resolution, they might as well proceed to treat the King as an ordinary individual, and put him on board wages, or send him to one of those boarding-houses that take in unfortunate people. If they meant to abandon His Majesty in his present bereaved situation, let them act in that manner, and that, indeed, would be the only manner to make shift without the Royal household going to the Queen, and then it would prove in vain for that and the other House of Parliament to lose their time in inventing the means of preserving the rights of their Sovereign, and restoring him to his former power, and former splendor; because they could never expect a cure. Let the Committee remember, that the Queen was to have the care of her Royal patient, not as a wretched being, destitute of friends; an obscure individual, without name, without honour, without reputation, forsaken by all the world, but as a King, whom his People looked up to with loyalty and with affection, and with anxious wishes that he would soon be enabled to re-ascend his throne, and again distribute blessings on his grateful subjects. As far as his voice could go, and he should lift it up loudly and sincerely, he claimed for the King all the dignity which ought

to attend a Royal person who was sick, and who was intitled to every comfort that could be administered to him in the hour of his calamity : and who should dare to refuse his request ? It would, it ought, it must mortify the Queen, were she to perceive the King deprived of all the dignity that surrounded him, and turned over to her in an unfeeling and irreverend manner, destitute of attendance, destitute of every mark and token of Royal greatness. How must a wife of Her Majesty's description receive a husband, under whose beloved shade she had for many years been protected and made happy ? Was there a man who heard him, who possessed the sensibility common to every individual breast, who did not sympathize with Her Majesty's situation ? He had heard, indeed, that, from political speculations, doubts had been entertained with respect to the dignity that ought to surround His Majesty's person ; but no man, alive to the least sense of loyalty, alive to a principle of compassion, alive to any one generous feeling, could surely venture so far to forget what was due to their suffering Monarch, as to separate the second from the former part of the resolution. He most solemnly protested that he did not believe there was a single noble Lord in the House who wished to strip His Majesty of every mark of royalty, and reduce the King to an abject and forlorn situation, while he was labouring under a misfortune equal to any misfortune which had ever happened, since misfortune was known in the world. The intention of separating the second from the first part of the proposition, was cruel in the extreme ! It must operate like a total extinction of pity for that Royal sufferer, whose calamity intitled him to the most unlimited compassion, and even to increased respect.

“ Deserted in his utmost need

“ By those his former bounty fed !

The obvious feelings of mankind went so directly to the wish of paying every mark of reverence, respect, and attention to the Sovereign in the hour of his misery, that he was persuaded the Public would be shocked at the idea of that Committee persisting, for a moment, to hesitate whether the King should be attended with the Royal household or not. He desired not to be understood as intending, either by his argument, or the warmth with which his zeal had impelled him to deliver it, to preclude the debate, or bear hard upon any one of those noble Lords who had intimated a wish to separate the motion. Every awful, every indispensable consideration, whether arising from loyalty, gratitude, esteem, or affection, must make all good minds shudder at the idea of perceiving such a King. He had not spoken with this view,

but from feelings, an exemption from which must have rendered him hateful to himself.

Lord Rawdon. Lord *Rawdon* observed that, as the extraordinary remarks of the noble and learned Peer who spoke last, were, in the strongest manner, so pointedly allusive to him, he could not either avoid declaring that he had listened to them with the utmost concern, or help ascribing the violent tone and gesture in which the noble and learned Lord had delivered himself, entirely to the precipitate intemperance of his zeal. There was not in that House any noble Lord who felt greater gratitude to the Sovereign than he did, or one who should be more ready to convince him of his zeal to serve him, should Providence permit him to resume his Royal functions. But what had he done to provoke the singular mode in which the noble and learned Lord had expressed himself? Candidly and abstractedly from all motives of faction or party, he had appealed to the House, on the suggestion of his own mind, and barely on the principles of conveniency. Ought he to stand exposed to an immediate attack, and to hear it insinuated that he had acted in an irreverend manner? The expression, it was true, had been retracted as soon as it had been made; but he must contend, that it ought not to have been used at all, and he must inform the noble and learned Lord, that he would be allowed the same credit for candour in that House which he had at all times given the noble and learned Lord. In the farther discussion of the subject, he must request that the passions might not be appealed to; and he claimed for himself that same sentiment of respect towards His Majesty, which the noble and learned Lord had claimed on the part of the defenceless situation of the King. He had advised, whenever he could take the liberty of advising, that the utmost moderation and temper might distinguish the course of the future proceedings, and he was persuaded that, from an adherence to such counsel, the utmost general advantage must ensue. Although not meaning in the least to intimate that it might be improper to make any other provision, yet, in his opinion, he considered it as a duty owing to the House, and to his feelings on the occasion, to move to leave out the second part of the motion.

Ld. Chancellor. The *Lord Chancellor* begged leave to assure the noble Peer that he had totally misconceived him, if he supposed that he had retracted one syllable of his remarks. On the contrary, he now felt it necessary to resume his ground, and in the fullest manner to deny that he had either retracted, or meant to retract, a word, or retract a syllable, because he was persuaded he had not said a syllable that he had any occasion to retract. He declared that he would repeat what he had said when last on his legs, addressing it as he had

done before to the House at large, and the Committee conjointly, and not to any individual Lord on either side of the House. He re-asserted his opinion, that the Committee would shamefully neglect their duty, and leave the King in that destitute and wretched situation which he had described, if they separated the second part of the resolution from the first, and did not accompany the trust of the Royal person in the hands of the Queen, with enabling her to discharge that trust, by putting the Royal household, at the same time, under her direction and controul. Till the particular word which he had been supposed to have retracted was specified, he hoped it would not be thought that he had retracted any words whatever. His Lordship admitted, that with regard to the motion, there was nothing more fair than to move to leave out words in a motion; but he had never heard of moving to leave out words, unless it was first declared, that the mover meant to substitute better words, and put the House or the Committee in possession of the amendment regularly.

Viscount *Stormont* rising next, observed, that notwithstanding the observation of the noble and learned Lord, that in his remarks he had addressed himself to the House at large, and to the Committee conjointly; and not to any individual Lord on either side of the House; he, for his own part, could not avoid considering the pointed quotation

“ Deserted in his utmost need

“ By those his former bounty fed,”

as peculiarly addressed to him. He had indeed, he owned, enjoyed the highest honours, and passed the most considerable part of his life in possession of the greatest emoluments from His Majesty; and therefore he might be supposed to have been one who came under that description, and had shared the greatest part of the Royal bounty. But those honours, and those emoluments were not, he conceived, now repaid with ingratitude. He would say with the noble Secretary of State, (the Marquis of Carmarthen) he loved His Majesty, he loved the Prince of Wales, but he loved more the Constitution. This declaration was made in the presence of some of the Royal Family, and he would not scruple to make it before his Sovereign, if he should ever be restored to his presence again. He begged their Lordships to consider what might be the consequence of the division of power proposed. There might be competition, and however delicately he might wish to speak upon the subject, sparks might arise which would kindle into a flame. He instanced the case of Cardinal Richlieu, who ingratiated himself with the mother Queen, and caused a variance between

her and her son. The person entrusted, he thought, with the King's custody, ought not to have the disposal of his household. It was cruel to throw Her Majesty upon a sea of politics without a rudder, chart or compass. No man had ever yet ascribed to her any political interference whatever. If any word should escape him which might be made to bear any tendency to reflect on the Lords of the Bedchamber, or of the household, he must disavow having entertained any such intention. He knew all those noble Lords in that House, and had been honoured with the friendship of many, particularly with that of the noble Duke of Chandos, whom he could not but admire for the manliness with which he had delivered his sentiments on the present occasion. Viscount Stormont next adverted to the famous bill to diminish the influence of the Crown, and said that he thought the premises unfounded; but allowing the premises, the conclusion was irresistible: if those powers were unnecessary, take them away. If those in the present case, whose general opinion was to support the Administration, be it what it might, were willing to consent, in this instance, to so much patronage being taken from the Crown as that of which it was now about to be deprived, they were guilty of a monstrous solecism in politics. Persons who accepted places ought to quit them, and not enter into a systematic opposition, because that would be turning into the bowels of Government what was meant for its defence. Though personal distinctions were disclaimed, gentlemen had sometimes relied upon them, and it had been asked whether the division of power between a mother and a son would not tend to produce bad consequences? Scarcely a single instance in history had occurred of power being divided between a mother and a son from which mischief had not ensued. The Queen might have ill advisers. In saying that, they might, indeed, go near to direct a censure against themselves, for as yet they were but striking in the dark. Who her advisers were to be, he knew not; but she certainly might have powerful advisers in Council. They might persuade her that she could not render a greater service to her son, and to the country, than by attempting to rescue the Prince himself from such pernicious hands as those in which he placed his confidence. Nothing could strengthen the opposition like a weak government, and from the intended division of power he expected to see the standard of opposition erected in the center of the Queen's Palace. It was asked, will you leave the King in that miserable destitute situation, without his household officers? Gentlemen had raised a shadow, had given it an hideous form, and combated the shadow which they had raised. Those officers
were

were attendant on the King only when he was the representative of Majesty. Would it not seem taunting to attempt to sustain such an idea at the present moment? Would not the places of the household officers be mere sinecures? The question therefore was, whether the dignity of His Majesty would not be better kept up by the idea which he had professed, than by the hideous idea of the King's being unhappy on his rest or health, at beholding new officers of the household? Those officers who were removeable at the will of one person, and not of another, lived at present like the gods of Epicurus, with great splendour and hospitality; some in town, and some at their seats in the country. A distinction had been made between the political and the household servants of the Crown; but this was a distinction without a difference. Let gentlemen give a definition of a political servant which does not apply to the Lord Chamberlain, or the Lord High Steward. The statute book on the table would prove, that in the reign of Henry the Eighth, they were both called Great Officers of the State. Were not those, he would ask, political servants? Was it intended to deprive the Regent of the right of naming His Majesty's chaplains? Did not that properly belong to the office of the Lord Chamberlain? It was said that we must provide against the exigency of the case. But this ought not to be by dividing the Royal powers between the Prince of Wales and the Queen, and setting the son at variance with the mother. The Romans never provided against parricide, because they thought that no child could be so unnatural as to be guilty of the crime. But this was the worst of parricide. He declared fairly, that he had not conceived that such a plan was possible to have originated in the present Administration. Little did he ever conceive that a right honourable gentleman, with whom he had not the honour of being personally acquainted, would have acted so differently from what might have been expected from ingenuous youth, bright talents, and increasing fame. He had imagined that the person to whom he had alluded, would rather have exclaimed, "let the tide of Royal power roll on with undiminished streams from father to son; from King to Regent! It shall devolve whole and entire from the Crown to its representative." For his own part, he considered the Royal powers and authorities as a weight in the balance of the Constitution; and when gentlemen diminished that weight, they altered the balance. It has been said by one set of persons, that if they were in Administration, they would conduct themselves as they had hitherto done, but that, as the case at present stood, they would be careful and vigilant in watching the power of the Regent

Regent; that if public measures succeeded they would rejoice, and that the comparison between the government which they had conducted, and that which was to be conducted by their adversaries, would now more obviously appear: but there could not be any comparison if they crippled the Government. He would only suggest to the House the consequences of a fettered, weak, and debilitated Government, which had the power of calling for services that could not be vigorously exerted. He was surprized to hear a noble and learned Lord, when surrounded with newly-created Peers, declare, that the wax was scarcely cold before they had suffered the impression to be obliterated. Let the House conceive the consequences likely to arise, if a King on recovering from his sickness finds that the former Government had been weak and defective. He was proud to acknowledge himself to be one of those whom that King's former bounty fed; but he would not have to tell him, upon his restoration, that to shew his attachment to His Majesty he had consented to cripple the Government of his son. A Government to prosper must be strong, and it was not probable that the King would consider it as no offence to have put such measures into execution, as tended to prevent the prosperity of the Regent; a father might, from a sense of his own dignity, from considerations of personal rank, and from other motives, bring himself to pass by and look down upon an insult which was offered to him; but he appealed to every noble Lord, who like himself, had the happiness to be a father, if a parent ever resented any thing more pointedly than an injury committed against his son? Upon such occasions, would it not appear that indignant anger against those who might injure and insult his son, must operate with all the dignity and force of irritated virtue?

Ld. Chancellor.

The *Lord Chancellor* answered, that, as yet, he had not heard an argument which could induce him to relinquish his firm opinion, that it was altogether unusual to move to leave out-words, without substituting other words in the room of them; neither had it been incontrovertibly demonstrated that Her Majesty ought not to have the direction of the Royal household, to discharge her trust of the care of the Royal Person. He maintained that the Lord Chamberlain, Lord Steward, and Master of the Horse, although they were, undoubtedly great officers, were nevertheless intimately connected with the interior of the Royal household, and necessarily a part of it. He combated the arguments which Lord Stormont had advanced relative to the dissensions in the Royal family, and spoke of the unimpeached character of the Queen (who had not only acted well, but so well as never to have been even suspected, but to have
 escaped

escaped the breath of calumny for eight and twenty years together) as the best security that the patronage of the household should not be abused or perverted to party purposes.

Lord *Loughborough* having premised that it was an undeniable principle, that the giving the Queen the patronage of the household and furnishing her with a council, would create a certain degree of secret influence, highly prejudicial to the stability of Government, to its vigour, and to its efficacy, proceeded to point out the mischevious operation of it in a variety of possible examples. As a proof of the effects of secret influence, he instanced the disgrace of the famous Duke of Marlborough, who had raised the glory of this country to a most exalted pitch; by his many victories in Flanders, and was just on the point of entering the provinces of old France, triumphantly at head of his allied armies, when his career was stopped, the progress of his successful arms arrested, and he himself deprived of his command, through the intrigues of a Bedchamber woman to Queen Anne. Thus, the abilities of a Harley, the fascinating powers of a St. John, and the laborious industry of an Harcourt, would have been exerted to no purpose, if there had not been a Mrs. Marsham, who, by her secret influence with the Queen, was able to effect that which the powerful armies of Louis the 14th found it impossible to accomplish. He alluded to the historical fact stated in a former debate by a noble friend of his (Lord Hawkesbury) of the circumstance of Louis XV. being brought, when an infann of five years old, to hold a *Lit de Justice* in the Parliament of Paris. His noble friend, if he had turned his eyes to a few years preceding that transaction, in the history of the same country, might have collected an argument against the mischievous system which the present resolutions were calculated to establish. Louis XIV. conceived a dislike to his nephew (the Duke of Orleans) and wishing to aggrandize his own natural son, the Duke de Maine, by his will left the administration of public affairs to the Duke of Orleans, and the controul and management of the household, together with the custody of the King, to the Duke de Maine. Before his death, the King told the Duke of Orleans that he had left him every thing to which his high birth entitled him. The will was duly registered in the Parliament of Paris; but when Louis XIV. died, the Duke of Orleans, (who was become presumptive heir to the infant Louis XV. by the renunciation of the Duke of Anjou, then King of Spain) claimed the Regency with all the powers and authorities which of right belonged to it. The Parliament, as a celebrated writer of that day observed, felt itself in an awkward dilemma.

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dilemma. It saw the dangers of giving full powers to a presumptive Heir; it saw also the absurdity of placing the Regent at the head of the Government, and at the same time separating from it the patronage and influence arising from the management and controul of the household. Both were obviously evils; but the Parliament, wisely weighing all the difficulties of each, preferred the lesser evil to the greater, and set aside the late King's will, revoked every limitation, and invested the Regent with all the authorities of the Crown. Lord Loughborough reasoned upon this transaction, as elucidatory of the opinion of other countries concerning the evil consequences which they considered as the probable effects of a Government wherein a part of the necessary power was separated from the executive authority. He dwelt on the mischiefs likely to result from the setting up of two Governments (for such he considered the giving the Queen a large portion of patronage, and a Council, to be in effect) and he pursued the train of probable inconveniences through a variety of different hypotheses. He put the case of a loan to be raised, in which the public credit would necessarily be involved; the case of negotiations carrying on with the continental powers; the cases of commanders employed on foreign service; and the case of a public delinquent publicly arraigned. In the first case the loan, he remarked, might either be defeated altogether, or the nation highly inconvenienced by the increase of terms occasioned through the intrigues of the second part of the Government. In the second case, of foreign negotiations, the Ambassadors employed on such services would act a double part, and intrigue with one Council while they were treating with another. In the third case, of the commanders on foreign service, ministers might not find themselves able to support them, being deprived of the means of distributing due rewards, or of screening and rescuing them from party attacks, their authority over them would be inefficient, and the commanders would find themselves obliged to pay their court to the Queen's party, as a necessary shield against the weakness of their employers, and the power of that junto who ought to be considered as the opposers of those employers. In the last case, of a public delinquent, experience drawn from our own history towards the close of Queen Anne's reign, had proved the possibility of the ends of public justice being defeated by the influence of a powerful party acting in hostility to the views of the executive government. Among abundant instances of the idle reasoning adopted as an argument in defence of putting the patronage of the household into the hands of the Queen, such as that the King would feel his mind disturbed when he awakened from his trance and recovered

vered from his dream, if he saw that his domestic servants had been removed from about his person; he put the case, that His Majesty's incapacity had taken place some years since, and that His Majesty had come to himself a few years ago: in that case his Ministers, when admitted to their first audience, would have laid this sort of information before him: "Your Majesty has lost thirteen colonies, but—your
 " palace stands where it did. Millions of national debt have
 " been accumulated, but—your Lords with White Staves
 " stand where you left them. Much of the best blood of
 " your subjects has been spilt, but—your Lords of the Bed-
 " chamber are still the same. Many calamities have hap-
 " pened in consequence of the weakness of Government,
 " occasioned by the prevalence of secret influence, (and du-
 " ring the continuance of the American war much secret
 " influence had been exerted) but be not concerned at this,
 " your Lords of the Bedchamber, your Gentlemen Pen-
 " sioners, your Beef-eaters, are still the same. Look into
 " the red book, and you will find it just as you left it." How absurd was it to pretend that so insignificant a circumstance as the possible uneasiness of the King, on his recovery, at not seeing the superior household officers around him, would afflict His Majesty! With respect to the words of the resolution, which stated that Her Majesty was to have a Council of Advice, he thought that before the Committee was called upon to vote the whole resolution, in common decency, they ought to have had the intended constitution and powers of the council in question opened to them; but not a single word of explanation had been judged proper to be said on the subject by those who had brought forward the resolutions. Noble Lords, therefore, were obliged to argue in the dark upon no very immaterial part of the resolution before them; but mysterious and unexplained as the nature of the intended Council was left by Ministers, it was sufficiently obvious, that the evils he had endeavoured to describe as likely to flow from it, might and probably would follow from the establishment of a Council connected with such a possession of power, holden separately and distinctly from the executive Government. When, from better health, he should be enabled to address their Lordships more at length, he would meet the noble and learned Lord on that question, which he had said, in his speech of the preceding day, had gone he knew not how; that it was not to be found on that protest (to which his name appeared, with those of many more noble Lords, of more weight and authority than he could pretend to) and that it had upon a sudden vanished. He meant the question of the right of His Royal Highness the Prince of Wales to the Regency, during his father's

incapacity to exercise the Royal authority ; a question which he had neither abandoned, nor wished to shrink from.

Ld Chan-
cellor,

The *Lord Chancellor* answered, that in his opinion the noble and learned Lord had mistated the case of the Duke of Marlborough's disgrace, that event having been produced by the influence of a favourite at Court, and not by the operation of any supposed secret influence lodged in hands separate from the executive authority ; it could not therefore, in fair argument, be admitted to be any analogy to the supposed effect of giving Her Majesty the sole and undisturbed management and controul of the household. With regard to what the noble and learned Lord had said, on the subject of public delinquents being able to evade the justice of their country, through the protection afforded them by party influence of any description, Heaven forbid that he should live to see the day when the administration of public justice depended upon party influence. He trusted that the country would never suffer such humiliation and disgrace ; for base and scandalous must that man be, who would owe his safety under a public prosecution to the undue interposition of any party whatever. He was confident that the gentleman, at whom so foul a suspicion might be supposed to glance, would disdain so pitiful a refuge.

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borough.

Lord *Loughborough* answered, that from what had fallen from the noble and learned Lord at the close of his speech, it was evident that the noble and learned Lord had forgotten that he had stated the case of a public delinquent in the reign of Queen Anne.

Duke of
Richmond

The Duke of *Richmond* expressed his wishes that a noble Lord (Rawdon) had condescended to state to the Committee, the words which he meant afterwards to substitute in the place of those he had moved to have left out of the resolutions, since without such information the Committee were left entirely in the dark as to his object ; a mode of proceeding, which he must take the liberty of saying was by no means either Parliamentary or regular. The Duke, among various other points which had been stated on one side in the course of the debate, and casually omitted to be answered on the other, took notice, that the noble and learned Lord who spoke last, as well as other noble Lords, had complained of the Council, with the advice of which Her Majesty was to be assisted, not having been explained to the Committee. This complaint was owing to their Lordships having overlooked the consideration, that they ought not to confound the principle of a measure with the detail of the mode of its being carried into effect, two matters which it was necessary always to be kept distinct. The resolutions before the Committee contained the principles upon which their

Lordships were called upon to decide, as to the limitations and restrictions which public expediency required of Parliament to impose on the Regent, under the present circumstances of a probability of His Majesty's recovery and return to his Government. The bill to be brought in upon those principles would contain their detail, and, in that bill there would, he presumed, be clauses, defining the constitution and powers of the Council to be provided to advise the Queen in cases of emergency. Their Lordships, therefore with a little patience, would in due time know all the particulars relative to the Queen's Council. The Duke argued against the improbability of Her Majesty's exercising her power over the household politically, against the government of her son, the Regent, and said, he thought Her Majesty's unexceptionable conduct hitherto (noble Lords who had spoken that day having allowed that her chief claim to praise was, her having never interfered in political concerns) was at least not bad ground of expectation that she would persevere in the same line of unspotted conduct, that she was allowed, on all hands, hitherto to have pursued. He lamented that an idea of Her Majesty's intermeddling with politics had been started, declaring that those vile instruments of scandal, the newspapers, had, upon such a surmise, grounded their right to consider the Queen as a political character, and had, from that moment, treated this great and amiable personage with a degree of grossness, shocking to every man possessed of the least feeling, or the least delicacy. The licentiousness of the public prints had increased of late to such a degree of profligacy, that it was evident they must be encouraged and supported in their calumnies, or they never would dare to go the length they did every day; he called, therefore upon the noble and learned Lord to explain what he alluded to when he mentioned the possibility of a public delinquent's escaping justice through the hidden operation of secret influence; and he did so the more earnestly, because if left unexplained, he was sure that those vile pests of society, the daily papers, would pervert it to some slanderous purpose.

Lord *Loughborough* concurred with the noble Duke in his condemnation of the gross calumny of the newspapers. It had, he said, proved his lot to have been calumniated, as it had been the lot of the noble Duke to be slandered by the same means; and he, like the noble Duke, had acted in an open manly way, and resorted to the laws of his country for redress. If every man would do the same, the evil would at least be checked, if not prevented. He did assure the noble Duke he had not contaminated his hands with any connection

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tion with a newspaper. He disdained to taint his character by any such connection. Formerly, newspapers contained effusions of wit, candid remarks, and such matters as ingenious minds might delight in; but, of late, the common contents had been dull, uninteresting narrative, or violent abuse, dark and malignant insinuation, and foul calumny and aspersion. The reason obviously was, the impunity with which such liberties were suffered to be taken with individuals, and the gross and vulgar appetite of the Public for scandal. In conclusion, Lord Loughborough begged leave to inform the noble Duke, that the public delinquent to whom he had alluded, was Dr. Sacheverell.

A general cry of *Question! question!*

Lord
Kinnaird.

Lord Kinnaird assured the House, that at that late hour, and with the impatience exhibited of coming to the question, he should not trespass long upon their time; for though at an earlier part of the evening, he had intended to have requested their indulgence, that he might deliver his sentiments at some length, yet their Lordships would recollect the circumstance which had prevented him, and they would give him credit for having thrown in the way of the noble Duke the opportunity of stating to their Lordships his personal feelings on this part of the plan proposed; because, however anxious he felt himself to have an opportunity of stating, in explicit terms, the grounds of his conduct on this occasion, yet the question had been so fully and so ably argued by the noble Lords near him, that little had been left for him to state, which had not already been conveyed to their ears in language so forcible, as made him hope it had found its way to their hearts; but, in the present stage, he should refrain from even stating that little, and confine himself directly to answer the questions which the noble Duke, who had just sat down, had put to his noble friend, (Lord Rawdon). The noble Duke had asked why his noble friend had not condescended to state to their Lordships the words which he meant afterwards to substitute in the place of those which he had moved to be left out? because, without such information, they were left in the dark as to his purpose. Was it intended to give Her Majesty the care of the King's person, without the means to execute that trust? In answer to this, their Lordships must permit him to recall to their recollection the manner in which every step of this important business had been conducted. Could they forget, that a fortnight ago their Lordships had been called upon to vote, and had actually voted a proposition, to which little or no explanation had been afforded them? And why? Because it would not have suited the policy of these measures. He meant the proposition, stating that for maintaining entire the constitutional authority

authority of the Crown, they were to devise certain means, &c. What were they now desired to agree with the Commons in? Why, to split, divide, and suspend that authority, and thereby to render it of as little efficacy as possible to the State. Did they consider gravely what they were about to do? to exercise the noblest functions that could appertain to their situation as legislators, to vest the government of a great country, for a limited time, in other hands than those which had the indisputable right to it, impelled to this act from the dire calamity of inevitable necessity? But, though they might appoint the person who was to conduct the reins of government, had they any right, in their present state, to change or alter the nature or principles of the constitution? The Government must be permanent; and, whatever extent of powers that and the other House might arrogate to themselves, they would, by any attempt of such a nature, exceed the bounds of their rights, as well as of their duty. But, he found himself getting into the argument, and however he might wish for an opportunity so to do, he would fulfil his promise, and at that moment refrain, and with the less reluctance, as an opportunity would still be afforded him when the provisions of the bill came before their Lordships, at which time, he trusted, they would adhere more closely to the maxim which had been laid down by many of their Lordships, the propriety of which was admitted by all, but adhered to scarcely by any. He meant the abstaining from personal allusion to the characters of any of the august personages so peculiarly interested and affected by the subject under discussion. *And the* were minute particles, nevertheless the adhering to the true distinction between them was materially necessary to the propriety, as well as the freedom of debate. At present they were debating on the principle of a bill or bills hereafter to be produced, and that by general resolutions (a mode he could not help thinking very unfair and improper) and therefore his noble friend had been obliged to adopt the amendment he had suggested, in conformity to the plan on which all this business was founded. If it was a bad one, the noble Duke must impute the blame to those who suggested it. His noble friend wished their Lordships to decide, in the first instance, on the propriety of placing the care of the King's person in the Queen's hands. Why did the noble Duke, or any other person, suppose that it was meant to vest so important a trust in Her Majesty's hands, without affording her the means of executing it in a manner becoming the sacredness of the Person intrusted, and of Her Majesty's exalted station? but the noble Duke did himself explain and answer all this difficulty, by stating to their Lordships, that all these resolutions being only on general principles, would receive

receive their full explanation by the provisions of the bills, when they should appear. In like manner, would his noble friend's plan be amply explained; for, certainly, neither the noble Duke, nor any other noble Lord, had a right to demand from his noble friend, or the other Lords on this side the House, explanations, when they themselves had so studiously avoided giving the House satisfaction as to their plans, but had drawn their Lordships into the adopting of measures by piece-meal, from which, had they viewed them at once, their judgement must have revolted. A noble Lord having, very early in the debate, misconceived the intent and purport of what fell from a right reverend Prelate the preceding day, he could not sit down, without endeavouring to set that matter in its true point of view. That right reverend Prelate had, in a speech delivered with such ability and power of argumentation, as could not fail to carry conviction home to their minds, and which had remained unanswered, because, in his judgement, it was unanswerable, taken notice of certain unjust prejudices which were vulgarly entertained concerning the conduct of certain persons in that House; and amongst others, the Scotch Lords and Bishops; from which unjust imputations that right reverend Prelate did, with his usual ability, endeavour to rescue them, and of which he did, in direct terms, express his disapprobation; and no other conduct could have been expected from him, who had laid the whole Scottish Peerage under such obligations, by an exertion of his powerful parliamentary talents in that House, at a moment when they were in danger of being deprived of some of their dearest rights and privileges.

The Committee divided on the amendment, when the numbers were, "That the words moved to be left out, stand part of the question,"

Contents, 94; Not Contents, 68.

The main question was then put, and agreed to.

The House having been resumed, the Report was brought up, the resolution were read, and the amendment of the words, "for a limited time," moved to each, and negatived.

All the resolutions were then read, and agreed to.

The House rose; and soon afterwards, the under-mentioned Peers entered the following

P R O T E S T.

Die Veneris, 23 Januarii, 1789.

The House took into consideration the Report from the Committee, appointed to consider the resolutions of the Commons delivered at a conference on Tuesday last.

And

And the said Report being read by the clerk, it was moved to agree with the Committee in the said Report; and the same was, upon the question, ordered accordingly.

DISSENTIENT,

1st, Because we firmly adhere to the principles and arguments on which we disapproved the resolutions formerly passed by this House, especially when the legislative power of the two Houses of Parliament, unconstitutionally assumed by those resolutions, is meant to be employed to restrict or suspend many important and essential branches of the Royal power, at the moment of the declared incapacity of the King.

2dly, Because we think the power of conferring the rank and privileges of the Peerage, as a reward to merit, is necessary to the Royal authority, in order to afford an incitement to vigorous exertions in the service of the State, and is more peculiarly necessary, like all other parts of the prerogative, when the regal power is to be exercised by a substitute, with an authority uncertain and precarious in its duration; but especially on the present occasion, as it is the only branch of the prerogative sufficiently powerful to afford a remedy against such a combination in this House, as other parts of this system of restriction and mutilation have a natural and obvious tendency to produce.

And because we conceive that this restriction may create an interest in the Members of this House, to withhold their assent to restore the ancient power of the Crown in this respect.

3dly, Because we conceive that, by the subsisting law of the land, His Majesty's property is sufficiently secured from any undue disposition and alienation, and the resolution on that subject can have no other effect, but to convey to the Public injurious suspicion and unjust imputation on the character and intentions of His Royal Highness the Prince of Wales.

4thly, Because we are of opinion, that in order to maintain the proper dignity of the Crown, and preserve the due influence and respect which arises from the great offices of State, it is necessary that the person exercising the Royal authority, in the name and on the behalf of His Majesty, should be attended by those distinguished servants whose functions have been established for the purpose of adding weight and splendor to the Regal office. We cannot agree to a division of the Royal power; to the creation of a fourth estate, unknown to the constitution of the country.

FREDERICK
Lothian

HENRY
Devonshire

And.

Audley	Chedworth
Craven	Portland
Bedford	Huntingdon
Carlisle	Egremont
Portchester	Ponsonby
Pelham	Malmesbury
Breadalbane	Sondes
Cassillis	Montford
Abergavenny	Derby
Loughborough	Hertford
Scarborough	Cadogan
Foley	Boyle
Ponsonby	Maynard
Douglas	Eglinton
Rawdon	Sandwich
St. John	Kinnaird
R. Landaff	Aberdeen
Cholmondeley	Chr. Bristol
Hereford	Hay
Peterborough	Rodney
Stawell	Northumberland
Cardiff	Wentw. Fitzwilliam
Southampton	Buckingham
Shaftesbury	

Dissentient, For the 2d, 3d, and 4th reasons,
St. Albans.

Dissentient, For the 1st, 2d, and 4th reasons only,
Clifton Suffolk and Berks
Spencer Hawke.

Dissentient, For all the reasons given in this Protest, except those in the latter parts of the second reason, viz. beginning at these words, "but especially on, &c." from thence to the end of that second reason,
Selkirk.

Monday, 26th January.

Two of the Masters in Chancery were ordered to attend the Commons, and, on the part of the Lords, desire a conference.

The Managers for the Commons came, and the Yeoman Usher of the black Rod informed the Peers, that they were waiting in the Painted Chamber.

The Managers for the Peers, consisting of the Lord President, Lord Privy Seal, Lord Chamberlain, Marquis of Carmarthen, Lord Sydney, Lord Hawkesbury, and others, went into the Painted Chamber, when the Lord President returned.

returned the resolutions agreed to by their Lordships, without any amendment. When the Managers returned, the Lord Chancellor put the question of adjournment, and the House accordingly adjourned.

Wednesday, 28th January.

The Commons sent a message to request a conference with the Peers, and, after the usual ceremonies, and when the Commons were in the Painted Chamber, the Lords were acquainted therewith by the Yeoman Usher of the Black Rod; and the Managers for the Peers went into the Painted Chamber, when Lord Belgrave delivered to the Lord President the resolutions come to by the Commons, to which they desired their Lordships' concurrence.

As soon as the Managers returned, the Lord President acquainted the House, that he had met the Managers for the Commons, and had received some resolutions, which he desired might be read, and the same having been read by the clerk, as follows :

“ That a Committee be appointed to attend His Royal Highness the Prince of Wales with the resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the Royal authority during His Majesty's illness, by empowering His Royal Highness to exercise such authority, in the name and on behalf of His Majesty, subject to the limitations and restrictions which the circumstances of the case appears at present to require, and that the Committee do express the hopes which the Lords and Commons entertain that His Royal Highness, from the regard of the interests to His Majesty and the Nation, will be ready to undertake the weighty and important trust proposed to be invested in His Royal Highness, as soon as an act of Parliament has been passed for carrying the said resolutions into execution.” And,

Resolved, “ That the resolution agreed to by the Lords and Commons, respecting the case of His Majesty's Royal person, and the direction of His Majesty's household, to be laid before Her Majesty, with an humble address, expressing a hope which the Lords and Commons entertain, that Her Majesty will be graciously pleased to undertake the important trust proposed to be invested in Her Majesty, as soon as an act of Parliament has been passed for carrying the said resolution into execution.”

The Lord President moved “ To agree to the said resolutions.”

The Duke of *Northumberland* observed, that it appeared to him a violation of all respectful decency, to withhold from Northum-
 Vol. XXVI. U His berland.

His Royal Highness any of the authority belonging to the Crown, without assigning some reason for so extraordinary a procedure; and therefore, under this idea, he should beg leave to move, as an amendment, to add to the resolution the following words: "That the restrictions were formed on the supposition that His Majesty's illness was only temporary, and might be of no long duration."

This amendment was negatived without a division.

Lord Kinnaird. Lord *Kinnaird* reprobated the original motion, and remarked, that as the amendment came from a character so elevated and respectable as that of the noble Duke, it merited the utmost attention.

Earl of Carlisle. The Earl of *Carlisle* expressed his astonishment that the noble Lords who were in Administration should haughtily prefer a contemptuous silence to the least elucidatory mention of the point in question. This was unworthy the persons who held the high offices of State, and, he doubted not, would be felt as a species of disdainful neglect, if they were so treated when out of office, on subjects of such magnitude and importance as those under consideration. Adverting to the speech of the Chancellor in a late debate, he said, that this noble and learned Lord, it was well known, had ability to catch at any argument which came within his reach. When, therefore, he heard that noble and learned Lord confine himself to a hard invective against that side of the House, and deal in declamation solely, it was fair to conclude that he would not have rested on an appeal to the passions, if he had not found himself divested of argument, and that the cause which he rose to support could not be supported by sober reason. He argued upon the danger of pledging the House by the resolution, and precluding them from the free exercise of their deliberative functions. A hint had been given in that as well as the other House, that the Prince of Wales was to have a household established, in lieu of the patronage taken from him; and surely, His Royal Highness should be informed, amongst other particulars of the present proposed communication, what was to be the precise nature of this household.

Duke of Richmond. The Duke of *Richmond* declared, that the noble Earl might rest perfectly satisfied, that if he had hitherto preserved a silence concerning the motion under consideration, that it was not from any contempt for any noble Lord, who, like the noble Earl, had objected to the resolution. It was merely from the impression, that both Houses having proceeded to far as to vote resolutions, containing the general principles on which the bill to be brought in was to contain the detail, the natural step to be taken, as well out of respect to His Royal Highness, as to the regularity of their proceedings,

was

was to go up with the resolutions to the Prince, and learn from His Royal Highness whether he was willing to accept the Regency on those conditions? With regard to the resolution having been debated as temporary in their nature, and that, therefore, there ought to be some words of limitations in the motion; he admitted that the resolutions had been all along stated to contain restrictions fit only to be applied in a case of a temporary nature, and the reason why any words of special limitation were not necessary in the motion was, that it did already specifically refer to such restrictions as the circumstances of the case appeared at present to require.

Viscount *Stormont* rejoiced at perceiving that the noble Duke had condescended to speak in explanation, since all His Majesty's other Ministers seemed determined to have imitated the eloquence of Ajax; which, although it might be becoming that surly character, was not, in his opinion, a proper conduct to be observed in a House of Parliament, when a great and important measure was under consideration. He would not detain their Lordships long, but, as shortly as possible, offer a few observations which struck him on the moment. In what he was going to state, if he should be wrong, the noble Duke would set him right. On Monday last it had been understood, that the question then before the House was to have been moved; but as it had been apprehended that there might be a difference of opinion on the subject, the intention was given up, lest there should appear any ground for a charge of taking the House by surprise. Undoubtedly, that idea was fair, but he for one had been much mortified at the delay, because by those means the subject had been first agitated by their good and gracious instructors, the House of Commons, whose obedient and very humble servants they were, as had been sufficiently manifested ever since the House of Commons had kindly taken upon themselves the office of directing that House in their duty. It seldom happened that he troubled their Lordships with any motion, but he remembered that he had proposed one, when the commercial treaty was under discussion, declaring, that nothing contained in an address then moved, should be holden to pledge that House so as to preclude the freedom of debate in the discussion of any of the steps to be subsequently taken in that business. A noble Lord, who was not then in the kingdom, had declared his proposition to be a truism, and had moved the previous question upon it, which had been carried, under the idea that it was unnecessary to vote a truism. He hoped, therefore, that the same doctrine which had been then established, would prevail in the present instance, and that if the motion for carrying up the resolutions

Viscount
Stormont.

should pass, it would not be considered that the House was precluded from the right to object to any part of the bill, which they all understood was grounded on those resolutions. Ministers deserted the plain road to the object in view, and pursued a bye way, which caused much inconvenience and much delay. In all matters of communication, he took it to be a general rule, that if a communication had been made privately, and it was afterwards thought that such communication should, for special reasons, be publicly made, the terms of the public communication ought to be the same as those in which the private communication had been made. This rule, however, was departed from in the present instance. He held in his hand the letter which was stated to be the letter of the Minister to His Royal Highness the Prince of Wales, communicating the restrictions which were, at the very time they were sent, proposed to be submitted to the two Houses, and which had since been voted. In the letter were these words: "That the restrictions were formed on the supposition, that His Majesty's illness was only temporary, and might be of no long duration." These words were written in the name of the Minister himself and his colleagues, and expressly stated to have been the whole foundation of the plan of proceedings that had been adopted in consequence of His Majesty's illness. He asked why those words had not made a part of the resolutions, unless it was that the Minister, however he might have derived advantage in debate from repeatedly using such language, in fact meant a perpetual regulation, which he contended he must have meant, since the propriety of revising the limitations and restrictions imposed on the Regent, was to depend upon a circumstance which could never happen, viz. whenever His Majesty's physicians should be so totally ignorant of their profession as to admit, what no man at any time could with certainty pronounce, namely, that His Majesty's disorder was incurable.

The Lord Chancellor—The *Lord Chancellor* considered it as rather illiberal and unjust so frequently to put upon (a, perhaps, prudent and even necessary) silence the invidious interpretation of a contemptuous resolution to withhold, at times, a reply from any Peer who spoke in opposition to the Members of Administration. These last well knew that they were dust and ashes in comparison with the noble Lords who had chosen to call themselves one side of the House, and that when they addressed the House they were subject to animadversion, and to have it imputed to them that they were not capable of arguing. With respect to the resolutions and the motion, as to any limitation, the whole plan obviously formed a regulation meant to cease when the occasion ceased; and when

a new

a new occasion offered, a new regulation would become necessary. With regard to the whole being a meditated plan to throw a check in the way of a new Government, he did not, in truth, believe that it was so felt. He could, however, positively assert, that if it was a meditated plan, he was a perfect stranger to it, and no party to that concert. He looked upon the amount of the restrictions in a very different point of view, and conceived them to be so much more salutary, that if he had been to advise those who were supposed to be in the confidence of His Royal Highness the Prince of Wales, he would have advised them, at the peril of his life, to have met them more than half way with a view to provide for the safe return of His Majesty to his government on his recovery. He could have invented a plan that would firmly fix an authority, which, planted in so kindly a soil, could not have failed to have proved prosperous and flourishing. He could have chalked out, in his own mind, a plan that would have better pleased his judgement than that which had been adopted; but that, considering that other men's opinion were to be consulted, and different matters attended to, was, allowing for the clash of the times, the best which, under all the circumstances of the case, could be brought forward. The household of the Prince of Wales was not then under consideration. Whatever it meant, he took it for granted, that, from its nature, it must be something to be settled subsequent to the appointment of a Regent. He knew nothing of it; "sufficient to the day was the evil thereof." At present, the sole consideration before the House, was the motion to carry up the resolutions to His Royal Highness the Prince of Wales. With regard to that measure, he denied that there was any want of respect to the Prince in going up with the resolutions: on the contrary, the mode of proceeding was, in his mind, the most respectful which could be followed. He stated why he thought so, and took notice, that some stress had been laid in the course of the debate on the amendment having been moved by a most exalted Peer (the Duke of Norfolk). That sort of distinction was what could not be endured in that House: there it was customary for all the Peers to be considered as equal; and though they well knew the difference made by elevated rank, high station, ancient families, splendid fortunes, and pre-eminent virtues, yet, in a parliamentary point of view, whether a motion came from the premier Duke, or from the youngest Baron in the House, the right honourable mover was entitled to equal respect and attention with his brother Peers, because precedence, in such a case, was totally out of the question.

Earl of
Carlisle.

The Earl of *Carlisle* observed, that he should still persist in his opinion, that when a Peer, endued with talents as vigorous and splendid as those which were possessed by the noble and learned Lord, made his appeal solely to the passions, it was proof of his being quite aware of the inefficacy of argument; and when the Committee were told, in language of great force and eloquence, which consequently could not fail to make a strong impression on the noble and learned Lord's audience, that if they attempted to divide a motion relative to the care of the King's person, and to separate the patronage and control of the household, they were deserting the King, like Darius, in his utmost need, did the noble and learned Lord think that it was to pass without any animadversion? To charge noble Lords with having abandoned their King, and left him

“ Deserted in his utmost need

“ By these his former bounty fed,”

was treating them rather like Lazarus, who was fed by crumbs from the rich man's table, than like British Peers. When the noble and learned Lord ventured to mention the counsel which he would have given, such an intimation carried with it the appearance of calling the conduct of His Royal Highness the Prince of Wales in question.

Ld. Chan-
cellor.

The *Lord Chancellor* begged leave to remind the noble Earl, that he did not utter one single syllable concerning the propriety of the conduct of His Royal Highness (which he did not presume to question, howsoever he might have alluded to such advice) which he would not have wished for an opportunity of submitting to the counsellors of His Royal Highness.

Viscount
Stormont.

Viscount *Stormont* having premised that it seemed extraordinary that the noble and learned Lord should, on the present occasion, introduce the quotation, “ sufficient to the day is the evil thereof,” added, that he knew nothing of the establishment for the Prince of Wales. The Minister in another House had used triumphant language on the subject, and declared that, were all his ministerial functions to be resigned, he would take upon himself the odium of proposing that establishment. He referred the noble and learned Lord to a former debate in that House, when it had been expressly declared, that it was intended to give the Prince of Wales an establishment suitable to the dignity of the Regent. He asked, had the noble and learned Lord been so occupied since by his various duties, that he had buried in the river of oblivion what he formerly knew? All who knew the Prince of Wales's sentiments, knew that it was repugnant to his mind to form an establishment by an unnecessary expence to the country.

The Marquis Townshend, Lord Portchester, and Lord Fitzwilliam, severally spoke against the motion, as calculated to carry up imperfect resolutions to the Prince of Wales.

Lord *Radnor* desired to be informed, whether voting the motion would preclude him, or any other noble Lord, from freely discussing and objecting hereafter, against any part of the bill of which they might disapprove? Lord Radnor.

Lord *Sydney* answered, certainly not.

The Duke of *Richmond* feared that the noble Viscount (Stormont) had transgressed against his usual candour, when he produced a mutilated publication of the letters which had passed between the Minister and the Prince of Wales, and argued concerning its contents. Why were not two other letters which made a part of that correspondence produced? These were the letters preceding that of the Minister, and the letter succeeding that of His Royal Highness. The Duke defended the Lord Chancellor's speech on the preceding Friday; and having observed that the noble and learned Lord had been said to have appealed to the passions, added, that it was but fair to carry it in recollection; that the noble and learned Lord had first offered arguments, and those of the strongest nature, and had then remarked, "if these arguments should fail, I will not appeal to the passions, but to the feelings of the House." What could be a more powerful appeal, than to the feelings of their Lordships? In conclusion, the Duke observed, that a different reason was urged in the protest, from that relied on in debate, in objection to the restriction relative to making Peers. In debate, it had been contended that the power was necessary to the Regent, to enable him to reward merit. In the protest, the argument was, that the power of creating Peers was the only branch of the prerogative sufficiently powerful to afford a remedy against a combination in that House: and thus the mystery became unravelled. Duke of Richmond

Lord *Hawkebury* contended, that such noble Peers as had voted for the resolutions were bound, in honour and conscience, not to vote against measures grounded on those resolutions, unless new matter should occur to justify their dissent. Lord Hawkebury.

The question was called for and put, when the motion was agreed to without a division. The second motion was also agreed to, and a conference desired with the Commons on the morrow.

The House adjourned.

Thursday, 29th January, 1789.

The Lords sent a message to the Commons by two Masters in Chancery, to desire an immediate conference. The Messen-

Messengers being returned, and notice given by the Yeoman Usher of the Black Rod, that the Managers were waiting in the Painted Chamber, the Lord President, Lord Privy Seal, and others, were called over, and they withdrew to meet the Managers for the Commons; when the Lord President returned Lord Belgrave the resolutions with the blanks filled up (Lords Spiritual and Temporal). As soon as the Lord President and the other Lords came back from the conference, Lord Sydney moved, "That the Lord President and the Lord Privy Seal do wait on His Royal Highness the Prince of Wales with the resolutions agreed to by the Lords and Commons."

It was afterwards moved, "That a message be sent to the Commons acquainting them therewith, and to desire a proportionate number of names to be added thereto."

It was afterwards moved, "That the Earl of Ailesbury and Lord Waldegrave do wait upon Her Majesty with the resolutions and address agreed to by both Houses." And

"That a message be sent to the Commons acquainting them therewith, and to desire they would add a proportionate number of names to the same."

The Messengers went to the Commons, and, after some time, returned; when Mr. Holford, Master in Chancery, acquainted the House, that the Commons had added the Chancellor of the Exchequer, the Master of the Rolls, Lord Frederick Campbell, and the Secretary at War, to the list of those who were named, to wait upon His Royal Highness the Prince of Wales with the address and resolutions.

That the Commons had also added the names of Lord Courtoun, Mr. Comptroller of the Household, Richard Howard, Esq. and Lieutenant-colonel Manners, to wait on Her Majesty with the said resolutions and address.

Lord Sydney observed, that as Ministers were determined to expedite the business under their consideration as much as possible, in order that no delay might be imputed to them from another quarter, he thought it would be proper to sit on Saturday, as there was business ready to be brought forward; he therefore moved that the House be summoned for that day, which, upon the question, was ordered accordingly.

The House adjourned.

Saturday, 31st of January.

The Lord Chancellor being indisposed, Earl Bathurst sat as Speaker.

The Lord President of the Council having first read the answer which His Royal Highness the Prince of Wales had been

been pleased to give to the address from both Houses of Parliament. The clerk next read it as follows :

“ My Lords and Gentlemen,

“ I thank you for communicating to me the resolutions agreed upon by the two Houses, and I request you to assure them in my name, that my duty to the King my father, and my anxious concern for the safety and interests of the People, which must be endangered by a longer suspension of the exercise of the Royal authority ; together with my respect for the united desires of the two Houses, outweigh, in my mind, every other consideration, and will determine me to undertake the weighty and important trust proposed to me in conformity to the resolutions now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstance in which it is committed to my charge, of which, as I am acquainted with no former example, my hopes of a successful Administration cannot be founded on any past experience. But confiding that the limitations, on the exercise of the Royal authority, deemed necessary for the present, have been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which I ardently participate, that His Majesty's disorder may not be of long duration, and trusting in the mean while that I shall receive a zealous and united support in the two Houses and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope, that my faithful endeavours to preserve the interests of the King, his Crown and People, may be successful.”

Earl Waldegrave first, and then the Clerk, read the following answer given by Her Majesty the Queen, to the message of the two Houses :

“ My duty and gratitude to the King, and the sense I must ever entertain of my past obligations to this country, will certainly engage my most earnest attention to the anxious and momentous trust intended to be reposed in me by Parliament. It will be a great consolation to me to receive the aid of a Council, of which I shall stand so much in need, in the discharge of a duty, wherein the happiness of my future life is indeed deeply interested, but which a higher object, the happiness of a great, loyal, and affectionate people, renders still more important.”

Lord Southampton next moved that the answer of His loyal Highness the Prince of Wales be printed, that the public might be apprized of the sentiments and principles of His Royal Highness.

The Earl of Radnor regularly moved, that Her Majesty's answer might also be printed.

Both answers, with the addresses containing the resolutions submitted to the Prince of Wales and the Queen, were ordered to be printed.

The order of the day having been read, that the Lords be summoned, and that the House resolve itself into a Committee on the State of the Nation,

Earl Camden. Earl *Camden* rising, observed, that it was scarcely requisite to bring back to their Lordships' recollection what measures had preceded the late circumstance of carrying up to His Royal Highness the Prince of Wales the resolutions of the two Houses. Upon the answer of His Royal Highness to these, the House would, doubtless, reflect with great and universal satisfaction! Every previous step was so fresh in the remembrance of their Lordships, that he should not now trespass upon their patience by a recapitulation of their nature. The next necessary measure fell under the second resolution, by which the House had decided, that it was requisite to determine on the means whereby the Royal assent might be given in Parliament to such bills as may have been passed by the two Houses, respecting the exercise of the powers and authorities of the Crown, in the name and on the behalf of the King, during His Majesty's indisposition. The present point in question, therefore, was the determination of the nature of the measure by which His Majesty's Ministers proposed to carry those means into effect, in order to appoint and elect a Regent. That explanation it was his duty to make, and he begged to be understood as having undertaken it, under the impression of a thorough conviction that, amidst a choice of evils, the means he should propose appeared to him to be least objectionable and most fit to be adopted, because the most reconcileable to the principles of the Constitution; but that what he had to propose he submitted with great deference to their Lordships' better judgement. He was open to conviction, and should be ready to adopt a better mode of proceeding, if a better mode could be suggested. He was aware that the means which had already been more than hinted at in debate, and by which, under the practice of the second resolution, it was intended to proceed to open Parliament, and to rescue the two Houses from their present maimed and imperfect state, and also to emancipate the country from the miserable condition in which it had so long remained, and of which the people began to feel the effect, and to complain, as considering themselves, in fact, deprived of any Government whatever, had been made the subject of much ridicule. It had been called a phantom, a fiction, and a variety of other contemptuous names: if, however, any noble Lords should

subject to the proposition which he had to offer, he thought it right to declare, that he held it to be their duty to suggest the mode of proceeding which they thought more expedient, more wise, and more practicable. The delay which had already taken place, from various unavoidable causes, had, in some degree, wounded the public feelings; the people were impatient, and justly so, for a restoration of the Constitution to its complete form, that of the three Estates, from the co-operation of which the Government derived its energy, and all its operations proceeded with vigour and with effect. In the present melancholy situation of affairs, the incapacity of His Majesty to exercise the Royal functions was severely felt. It was necessary that Parliament should interpose in its authority; but Parliament could not take a single step, circumstanced as it was, at present; without the King, it was a mere headless trunk; perfectly inanimate, and incapable of acting, no legal step could be taken by the two Houses, which assumed the character, or aimed at the efficacy of legislation, without the King at the head to substantiate the act, and give it a constitutional currency. The King must be upon his Throne in that House, or by some means or other signify his sanction to their proceedings, or, notwithstanding the steps which they had already taken, all their time would have been wasted, and all their pains thrown away. The first step to be taken was to open the Parliament, and to do it by the King's authority. The law declared, that in one mode or other the King must be there to enable them to proceed as a legislative body. That His Majesty, from his illness, could not attend personally, was a fact too well known to be disputed. The next consideration, therefore, was, by what means the King exercised his parliamentary prerogative, when he did not exercise it personally. The legal and constitutional mode was, by issuing letters patent under the great seal. In the present dilemma, consequently, the most safe means of opening the Parliament was, by directing letters patent to be issued in the King's name under the great seal, authorising a commission to open Parliament in the name of His Majesty. If there was any other means, he hoped those who really thought so would have the goodness and the candour to suggest them. He must, however, take the liberty of saying, that those who treated the means he should propose with ridicule, were ignorant of the laws of their country. A fiction those means might be termed, but it was a fiction admirably calculated to preserve the constitution, and, by adopting its form to secure its substance. This fiction, in the first place, kept the Throne entire, if the King should be living, but, in his natural character, incapable of exercising the Royal authority.

rity. Secondly, no bills which had not the King's name at the head of it, and therefore purported to be of Royal authority, could have a legal effect, a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising his Royal prerogatives personally, either from not being of age, or from being rendered incapable of attending Parliament, from illness or any other cause, on his return to his powers of action as a Sovereign, he would see that all his prerogatives had been carefully preserved, and that they all stood minuted down upon record. A Sovereign's sentiments were known only by record, and therefore it was absolutely necessary to issue a commission to open the Parliament; and, if that ground were admitted him, which, he conceived, could not well be denied, by whom was a commission, such as he had described, to be directed? Would it be said, that His Royal Highness the Prince of Wales could command the Lord Chancellor to put the great seal to such a commission? His Royal Highness had not the smallest pretence to assume such an authority; both Houses had recently voted that the Prince had no such right. Would the Lord Chancellor himself venture to do it? Undoubtedly he would not. The commission must be issued by some authority, and being once issued, with the great seal annexed to it, it must enforce obedience. If their Lordships, or any of them, thought the mode which he meant to propose, inexpedient, they were bound to suggest some other method of doing it; and if what they suggested should appear to be a better mode, he declared that he for one would be ready to adopt it. He thought it was in the power of the two Houses to direct the great seal to be put to the commission, and in their power only. The great seal was the high instrument by which the King's *fiat* could be irrevocably given; it was the mouth of Royal authority, the organ by which the Sovereign spoke his will. Such was its efficacy and its unquestionable authority, that, even if the Lord Chancellor should put the great seal by caprice to any commission, it could not be afterwards questioned; though a misdemeanor in effect, yet it could make letters patent of such validity, that the Judges themselves could not dispute their force. If an act of Parliament passed by authority of a commission issued under the great seal, and was endorsed with a *Roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed. The Lord President begged leave to remind the House, that they had already gone so far, that they could not go back; they must either resort to the fiction which had been treated with so much ridicule and contempt, or they must resort to something else. He was aware of

of the observation, that it had been a proceeding of barbarous days. Undoubtedly the precedent was to be looked for in the reign of Henry the Sixth; but the House would please to recollect, that it was those barbarous ancestors who made the Constitution. It was to them that we owed the common law of the land, which had been handed down, from age to age, invariably from their time to the present period. It was upon them that Lord Coke had founded himself in every part of his works. The present race, therefore, would betray great ingratitude if they forgot their obligations to the reign of Henry the Sixth, a reign in which, as sound lawyers, as able statesmen, and as honest magistrates, lived as in any subsequent period of our history. They were not, perhaps, as well read in Latin and in Greek, and as much familiarized with the luxuries of the present times as our lawyers were; but it was not, therefore, to be supposed that they did not possess as sound understandings, were not gifted with as much good sense, and had not as clear a conception of the Constitution, its principles and those of the law, as both then stood, as any lawyers at any period. Than the first twenty years of Henry the Sixth, there never was a period of greater tranquillity and peace. In illustration of his argument, the Lord President recapitulated all the events, (so often stated in both Houses during the discussion on the subject of the Regency) of the Lord Chancellor of that day, surrendering the great seal into the hands of the infant King, its being afterwards taken by the Duke of Gloucester, and other great men, and committed to the custody of the Master of the Rolls, who was directed to put the great seal to a variety of commissions, the Duke of Gloucester's conduct, the mode in which Parliament assembled, and the authority under which it from time to time acted, the part taken by the Duke of Bedford. Henry the Sixth was as incapable of putting his sign manual to the commission for calling the first Parliament which assembled in his reign, or writing his signature, as His Majesty was at present. In conclusion, the Lord President remarked, that he thought it fair to apprise their Lordships, that, at a subsequent opportunity, when the bill appointing a Regent (and enacting the limitations and restrictions which the House had already agreed on, and had communicated to His Royal Highness) should have gone through all its forms in the two Houses, it would be necessary to affix the great seal to another commission, giving the Royal assent to such bill. The mention of this second commission brought him to a renewal of his reasoning in proof of the absolute necessity of having recourse to some expedient to open Parliament; and he declared, that so thoroughly convinced was he of the necessity, that he would
apply

apply the maxim on this occasion of *aut inveniam aut faciam*; and as a farther confirmation, that the means proposed were constitutional, he adverted to a precedent which had occurred in 1739, in the reign of George the Second, when Lord Hardwicke had been Chancellor. He well knew that noble Lord, and a judge of more prudence and caution, and at the same time of more firmness, had never existed. Lord Hardwicke had put the great seal to two separate commissions in the King's name, when the King was ill, and thought to be in danger. This circumstance was an argument strongly in favour of the doctrine he had laid down and maintained. One great reason, among others which ought to weigh with some of their Lordships in favour of opening the Parliament, and passing a Regency bill, was that if such a bill did not pass, the present Ministers would of necessity be obliged to retain their places, because, without a bill, they could not possibly resign their offices. Earl Camden now moved, that it was expedient and necessary, upon the present occasion, to issue a proper commission for opening the Parliament under the great seal.

The motion having been read, and put from the Chair, Lord Portchester. Lord Portchester remarked, that, according to his idea, the fullest and most pointed answer to the observations of the noble and learned Lord would be to enquire if it were indispensably necessary to put the great seal to such a commission as was now proposed, why had not the proposition been made two months before? But he would not content himself with that short reply; the proposition was so objectionable, that he would just state a few observations which occurred to his mind concerning it. The two Houses had been obviously mispending their time, and drawing down ridicule on their own authority by the manner in which they had proceeded. They had been induced to resolve, that it was their right and their duty to supply the defect in the exercise of the Royal authority, and now they were told by those, who had persuaded them to vote such a resolution, that it was necessary to open the Parliament, and that a Regent could not be made but by an act of Parliament. Another resolution they had voted, stated, that it was with a view to keep the Royal authority whole and entire. And how had that object been fulfilled? By taking a portion of the Royal authority into their own hands, by parcelling out another portion of it to the Queen, and by delivering over the remaining portion to the Regent, thereby enfeebling and maiming the necessary powers of Government, and rendering it absolutely impossible that the country should be well governed, or governed with any degree of energy and vigour. The folly of this system was at once inconceivable and reprehensible; and it appeared,

appeared, that although the perfection of the political capacity of the Crown was what the lawyers affected to adore, and to hold up as incapable of diminution, yet in the teeth of that doctrine the two Houses had crippled and maimed that political perfection of the Crown, and were about by their mode of proceeding, to send it down to Westminster Hall, not such a deity as the lawyers professed to worship and adore, but an idol mangled and defaced, stript of its proportions, and deformed by the hand of illegal innovation and unconstitutional violence. Such an act as they meant to pass would be disputed in the courts of law, and could therefore answer no wise purpose, because it must necessarily carry a forgery on the face of it. In proof of this doctrine, it was sufficient to refer to the 33d of Henry the Eighth, whereby it was declared, that to pass a bill legally, the King must either be present on the Throne, and signify his consent to the same in person, or signify it by Commissioners, authorised to declare it under letters patent, sealed with the King's sign manual, and subscribed with his name written by his own hand. This was clear and indisputable law, and as a proof of the assertion, Lord Portchester produced and read an extract from an act of the first of Philip and Mary, passed for the purpose of taking off the attainder of the Duke of Norfolk. He explained, that, during the last illness of Henry the Eighth, while the King was incapable of any act of Royal authority, an act was passed by the two Houses, attainting the Duke of Norfolk; which act, for the reason stated, received the Royal assent by a commission, which was issued under letters patent, wanting the King's sign manual and signature. The act of Philip and Mary was a public act, being declaratory of the law of the land, and therefore it was to be relied on as indisputable authority. The proposed second commission, for giving the Royal assent to a bill, by the two Houses in the King's name, was an unwarrantable attempt to assume the exercise of the Royal authority, and something worse than nugatory. Whoever put the great seal to a commission, without the King's special authority, would be guilty of an illegal act. The noble and learned Lord had himself confessed, that the Lord Chancellor did not dare to put the great seal to such a commission of his own accord. The noble and learned Lord had expressly declared, that the Lord Chancellor would not venture to take such a step himself. Recurring to the precedent of the early part of Henry the Sixth's reign, Lord Portchester remarked, that the noble and learned Lord had forgotten its nature. It stated, that the Duke of Gloucester applied to Parliament, to know what powers he had in Parliament? when the answer was, "You have no right to interfere, the
" King

"King being in Parliament, and of years of *meet discretion*." The ground upon which the answer rested was the circumstance of the King (Henry the VIth) having been brought down to his Parliament at six years of age and seated on his throne. Unless it was meant to introduce a republic, the doctrine laid down, that day, was the most dangerous which could be broached. There was another mode of proceeding, which, although he did not wholly approve it, was far preferable to that proposed; and this was to order a commission to issue under the Great Seal appointing a Regent, and thus, without delay, restore the Royal Authority. This mode would, at least, be free from all the other objections to which the mode proposed would prove liable, it would save the Royal Prerogative from being invaded, and keep the legislative rights of the Crown sacred. There was an act on the Statute Book, passed in a reign many years antecedent to that of Henry the Eighth, which stated that there should be no alteration of the Prerogative. This act was the 16th of Edward the Second. A declaration was entered on the journals of the House of Commons, which expressly maintained the same doctrine. Lord Portchester closed his speech by remarking that in spite of the noble and learned Earl's efforts to convince the House of the propriety of the measure in question, he felt that the end might be more constitutionally attained without it; and therefore he viewed it with too much indignation not to become unutterably determined to vote against its passing.

Earl
Camden.

Earl Camden trusted that he should receive the forgiveness of the Committee if, led away by the multiplicity of important points which forced themselves upon his mind, he had neglected to mention the acts of Parliament alluded to by the noble lord. It really had been his intention to have taken some notice of them, but in the course of his speech they had escaped his memory. With regard to the 33d of Henry the Eighth, upon which reliance had been placed, he conceived that statute to be merely *affirmative*, and that the sole object of it was to declare, that the King might signify his Royal assent to a bill, by a commission, issued under the authority of letters patent, signed by the King's sign manual, and subscribed with his Royal signature; but it by no means warranted an inference that, therefore, the Royal assent could not be signified by any other means. With respect to the precedent of the conduct pursued in regard to the Duke of Gloucester's appeal to the Parliament, in the early part of the reign of Henry the VIth, he felt himself justified in construing that part of it very differently from the noble Lord. He considered the passage of "the King being in Parliament, and of years of *meet discretion*," to mean, that the Parliament,

Parliament, declared that when the King was in Parliament, and of years of *meet discretion*, then the Duke of Gloucester would have no authority to interfere in Parliament, otherwise than as an individual Peer of Parliament. A commission passed in the King's name, under the Great Seal, had the same force as if the King himself had authorised the act which it tended to sanction. A precedent directly contradicting the noble lord's inference had been put into his hands since he came into the House. He could not therefore vouch for its authority, although he had no doubt that it might safely be relied upon. The precedent stated, that, in the 28th of Elizabeth, an act had passed, by a commission issued under the Great Seal, but without the sign manual of the Queen, or the Royal signature.

The Duke of *York* now rising, observed, that not having received any previous intimation of a design to insert his name in the commission, he was of course prevented from embracing an earlier opportunity to declare that he could not give a sanction to the proceedings with his name, not wishing it to stand upon record, and be handed to posterity, as approving of such a measure. His opinion of the whole system adopted was already known; he deemed the measure proposed, as well as every other which had been taken, respecting the same subject, to be unconstitutional and illegal. He, therefore, not only requested that *his* name might be left out of the commission, but was authorised to desire that the name of his brother, the Prince of Wales, might also not be inserted.

Earl *Camden* answered that he should not for a moment resist the Royal Duke's desire, but readily agree to omit his Royal Highness's name, and that of His Royal Highness the Prince of Wales.

The Duke of *Cumberland* desired that *his* name, and that of the Duke of Gloucester, might also be omitted.

Lord *Walsingham* suggested that upon this occasion the regular parliamentary mode of proceeding was that of reading the passage of the commission desired to be omitted and putting the question "That these words stand part of the motion." This being admitted to be proper, he put the question in form on the passage that described His Royal Highness the Prince of Wales, and declared, "that the *not contents* had it."

Lord *Fitzwilliam* rose, and remarked that if the means resorted to for leaving out His Royal Highness's name were suffered to go upon the journals, they would convey a marked disrespect to His Royal Highness.

The Earl of *Derby* said that he could not avoid remarking with indignation that the present difficulty arose from the

Duke of
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ham.Earl Fitz-
william.Earl of
Derby.

reprehensible conduct of Ministers, who had proceeded in all stages of the business without plan or system of any kind whatsoever. His Royal Highness the Duke of York had desired that neither his name, nor that of the Prince of Wales might stand in the commission, now moved to be issued by the authority of the two Houses, under the Great Seal for opening the Parliament. It was astonishing to him that the noble and learned lord should not have been aware so lately, as the preceding day, that it was intended to move for such a commission. He conceived it to have been impossible for the noble and learned lord to have come forward and stated it to that House without having first consulted His Royal Highness the Prince of Wales upon the subject. The noble and learned Lord had the preceding day an opportunity of communicating with His Royal Highness. Why did he not communicate the next step which was to be taken? If the noble and learned Lord had done this, the House would not have been involved in their present awkward and embarrassing situation. The unnecessary measure, to which their Lordships were so strangely called upon to give their consent, was one amongst numerous glaring instances of disrespect to the Prince of Wales.

Earl Camden. Earl *Camden* answered that it was far, very far indeed, from his idea, to shew, by the insertion of their names in the commission, the least disrespect whatsoever to the Prince of Wales, the Dukes of York, of Gloucester, and of Cumberland. It was the usual and uniform practice to insert the names of all the Royal Family, who had seats in that House, in every commission which had any relation to parliamentary transactions. To have omitted the names of the Prince of Wales, the Duke of York, and the two other Royal Dukes, would, therefore, have been a marked disrespect to Their Royal Highnesses, and would, with great justice, have been urged as matter of complaint, and of censure, against His Majesty's Ministers. The Lord President added that upon this occasion he must beg leave to trouble the House with one or two remarks concerning a charge of disrespect to His Royal Highness the Prince of Wales, which had (he understood) been imputed to him in another place. No man who knew him would think it possible, that, either in the instance of the commission then before their Lordships, or in any other, he could have intended the slightest degree of disrespect to His Royal Highness. He was sure that he had never meant to run into so unwarrantable a presumption; but, least of all was it chargeable to him in the instance in which it had been imputed elsewhere: in that of summoning His Royal Highness to the Privy Council convened to enquire into the state of His Majesty's health, previously to the
meeting

meeting of the two Houses after their first adjournment. On that occasion, as President of the Council, he had thought it his duty to enquire of Mr. Falconer, what was the usual distinction paid to the Royal Family in desiring their attendance? He had been given to understand, that the only difference made between summoning the Royal Family and other Privy Counsellors was, the enclosing the summons, signed by a Clerk of the Council, under a cover and leaving it at their house. That did not satisfy his mind, nor did he think it sufficiently respectful; he, therefore, wrote His Royal Highness a letter, signed it, enclosed it in a cover, and transmitted it to Lord Southampton, at night, not by an ordinary, but by a special messenger, desiring to know, if that was the most respectful mode of addressing His Royal Highness; and the answer was, that it certainly was the most respectful. Lord Southampton was present in the House, and would doubtless rise and set him right if he had stated any particular. If, therefore, it were a fit subject for boasting, he might fairly boast of having been the first Lord President of the Council who had distinguished himself by going out of the usual way in order to pay His Royal Highness more than ordinary respect.

Earl *Fitzwilliam* contended that the declaration of the noble and learned Lord was no proof that disrespect had not been shewn to the Prince of Wales in the instance under consideration. When it was resolved to convene a Privy Council, His Royal Highness ought to have been apprized that such a step was in consideration, and it ought to have been explained to His Royal Highness upon what principles it was deemed proper. It was in that omission that the disrespect consisted, not in the mode of summoning His Royal Highness to the Council. In the present instance, His Majesty's Ministers had offered the House a commission, in which His Royal Highness had been included, without his previous knowledge.

Earl
Fitz-
william.

Viscount *Stormont* suggested that the Archbishop of Canterbury should stand as the first named commissioner, omitting the whole sentence which preceded his Grace. The noble and learned lord had said that in all commissions the names of the Royal Personages should be inserted. Here, therefore, lay the mistake. The difference had not been observed between the commission then proposed, and the commission which ordinarily issued. This difference was surely enough to have started a doubt in the minds of His Majesty's Ministers, and to have induced them to have asked previously whether their Royal Highnesses would or would not have chosen to have had their names inserted in such a commission. When he heard a noble and learned Lord claim merit for having put a summons under a cover, and sent it to His Royal

Viscount
Stormont.

Highness the Prince of Wales, he could not but question the ground upon which that claim of merit rested. What! was it respectful to His Royal Highness when they were to discuss the most melancholy subject which could come under consideration, an enquiry into the state of his father's health, to omit consulting His Royal Highness whether he thought such a subject proper for the discussion of the Privy Council? Would any one of their Lordships say that they would not have done that for the Prince of Wales which they would have done for a common individual? When they were going to institute an enquiry which concerned the Prince of Wales more immediately and more peculiarly than any other individual in the kingdom, would they not, in decency, ask, whether His Royal Highness had any objection to such an enquiry?

Lord Radnor. Lord *Radnor* presumed that it would be more regular and more satisfactory to His Royal Highness the Prince of Wales and the other Royal Personages, who desired to have their names omitted in the commission, that the motion should stand as it was originally moved, and that they should annex a note that His Royal Highness the Duke of York being present when the said motion was made, and expressing a desire that his name and that of His Royal Highness the Prince of Wales be omitted, and His Royal Highness the Duke of Cumberland, being also present, and having expressed a desire that his name and that of his Royal brother the Duke of Gloucester be omitted, leave was given to omit the same accordingly.

Duke of York. The Duke of *York* expressed his concurrence with the proposed amendment, and declared, that although he had no direct authority from his brother, the Prince of Wales, to signify his desire, that his name might be omitted in the intended commission, yet, as His Royal Highness and he had entertained one and the same opinion respecting all the proceedings in this business, and considered the whole of the system adopted as unconstitutional and illegal, he would take upon himself to answer for the Prince of Wales.

At length it was settled that the motion should stand as it did, and that, when reported to the House, Lord Radnor should then move his amendment, that it might appear on the journals that it was the desire of Their Royal Highnesses the Dukes of York and Cumberland, being present, that their names, and those of the Prince of Wales and Duke of Gloucester were omitted in the commission.

Viscount Stormont. Viscount *Stormont* now desired that he might be permitted to trespass upon the attention of their Lordships, as he felt himself under circumstances of peculiar difficulty and embarrassment, on account of the absence of the two noble and learned

learned Lords, whose abilities were at all times of the highest advantage to the House, but whose professional knowledge was, upon a question of that sort, peculiarly necessary. The noble and learned Lord had complained of delay; he begged to ask the noble and learned Lord, to whom they ought to ascribe that delay? Let the noble and learned Lord prove, why it was necessary to discuss the question of right before they proceeded to make a Regent. Had not that discussion been unnecessarily obtruded upon them, they might have made a Regent six weeks before. With regard to the two commissions intended to be issued under the great seal, he had a strong objection to both, but a much stronger to the second than to the first. The second he had the authority of the law of the land to pronounce illegal, and the first was clearly informal; not that he meant to rely much on the informality of the commission now proposed; it certainly was not a strong ground of objection, because it must be admitted, that no mode of opening the Parliament could be adopted that was perfectly free from that objection. The noble and learned Lord had stated 33d of Henry the Eighth to be merely an affirmative statute. Let the noble and learned Lord recollect a subsequent act of Parliament which had passed in the first year of Philip and Mary, the object of which was to take off the attainder attempted to be passed in the last year of their predecessor on the Duke of Norfolk, and which declared the act authorising the attainder to be of no effect. He produced what, he said, he considered as an authentic manuscript copy of the statute; for although it was, to all intents and purposes, a public act, it was most unaccountably not to be found among the printed statutes. He read the enacting clause, and contended that it amounted to a direct contradiction to the noble and learned Lord's assertion, that the 33d of Henry the Eighth was merely an affirmative statute. Lord Stormont adverted to the commission, which the noble and learned Lord had informed them was hereafter to be issued, and which was, he said, neither more nor less than an attempt to make an act of Parliament by the two Houses, through the means of the fiction, and without the actual exercise of the Royal prerogative. He would ask the noble and learned Lord whether, *pro hac vice*, the negative of the Crown, that essential barrier of regal authority, was not to be suspended? The noble and learned Lord must answer in the affirmative, because the Commissioners had no power to dissent from the bill proposed. The speech of the Lord Chancellor, on a former occasion, he considered as an encomium by anticipation, a kind of funeral oration on the departing prerogatives of the Crown. The plain fact was, that, by the second commission intended to be issued, the two Houses

Houses assumed the legislative authority into their own hands, in defiance of the statute of Henry the Eighth; in defiance of the known principles of the Constitution. It had been asserted, that necessity warranted the mode of proceeding, and that what the necessity of the case required, necessity justified. He subscribed fully to that doctrine, but he denied its application in the present instance, because there were other modes of proceeding, which might have been resorted to, less objectionable, less dangerous, less unconstitutional. Was there not a mode within their reach consistent with all the limitations? What prevented them from adopting this mode—to address the Prince of Wales to take upon him the exercise of the whole legislative authority of the Crown? He reasoned upon this proposition, and urged its expediency and its safety, repelling every suspicion that the Prince would not have sanctioned a bill containing the limitations and restrictions, and asking, if it were possible to imagine His Royal Highness to have been so ill advised as to refuse his assent to a bill, without the passing of which he could not have been Regent. It was an unmanly proceeding to assume the power of the Crown, while it lay prostrate at their feet. Let the Committee recollect, that when they were called upon to strike at the legal, constitutional right of the Crown, the Crown was utterly incapable of defence. The proceedings of the two Houses had tended more, within the last three months, to introduce and sanction Republican principles, than they had ever done since he was in the political world. He railed not at republican principles; he knew that a republic was beautiful in theory, but, in the nature of things, incompatible with the practice of our Constitution. He was not, however, so ignorant of what passed in his own country, and in other parts of the world, but he could perceive that republican principles made a greater progress than ever. A philosopher had existed, who stated it to be a misfortune, that Englishmen were accustomed in their early years to classical studies, which were supposed to strengthen youth, to benefit our maturer years, and to solace and support our declining age, and that such a mode of education prevailed in this country, because, said the philosopher, it gives the young men of England too early a love for republican principles, and too strong an idea of the independence of man. The system of British education certainly produced the effect complained of by the philosopher in question.

Lord
Hawkes-
bury.

Lord *Hawkesbury* having premised that the noble Viscount, and other noble Lords, had complained of the delay which occurred in the course of their proceedings, added, that this delay undoubtedly would not have taken place, had not the question of right been started, which was no sooner started than

than it became absolutely necessary for the two Houses to discuss and decide upon it. The noble Viscount had talked much of the republican principles, and asked whether studying the authors of Greece and Rome did not incline the youth of this country too much towards those principles? He wished the youth of Great Britain to study the constitution of every other country, that they might learn the defects of each, and by that means be the better enabled to judge of and admire the beauties and benefits of their own Constitution. The measure now proposed was governed by the necessity of the case, and so it ought to be, but sure he was that it did not exceed it. Necessity, he was aware, was generally deemed the tyrant's plea, but that was a pretended, not a real necessity. He declared that he knew not where to resort to find a case like the present, or to learn from past incidents what were the steps which ought now to be pursued. From the books of Mr. Justice Fortescue and Mr. Justice Blackstone, he knew that the name of a Regent, the power of a Regent, and every idea of limitation and restriction, were wholly unknown to the common law of this country. When he turned to the Revolution, which had, in the course of the debates, been quoted as a case somewhat in point, he saw there was no analogy between that case and the present; the two Houses of Convention had, at that time, resolved to address the Prince of Orange to take upon him the sovereign authority, on a principle of necessity. The Throne had then been vacant, the King's political capacity was gone, all the functions of government, in every point of view whatsoever, were at an end; the Judges could not sit, the Magistrates could not act; there was no one principle of government alive at the time. At present the case was far different. The Throne was full, the Courts in Westminster Hall sat, and the Judges had administered the law for the whole of one term, and for great part of another. With regard to the objections to the present proposal, as a means of opening Parliament, let the Committee recollect that there was nothing for law to operate upon but a mere form; and if they held the doctrine which had been advanced that day, they must remain where they were, without being able to proceed to any one act of legislature whatsoever. He alluded to the doubt seriously entertained in the reign of Henry the Sixth, whether Henry the Fifth could make a will, and thereby appoint his successors to different parts of his dominions. He reasoned upon that fact, and then reverted to our own history, declaring he could trace two memorable instances, in which commissions were holden, and acts passed, without the Royal signature; and those were the instances referred to by the noble and learned Lord who opened

opened the debate, and which happened in the reign of George the Second.

Earl of Carlisle. The Earl of *Carlisle* having expressed his astonishment that the noble Lord who spoke last should have desired the House to recollect, that the delay complained of on all sides of the House, had been occasioned by the question of right having been agitated, declared that he would not suffer such an assertion to pass, without desiring the House to recollect, also, who it was that started that question in the most unprovoked manner. Let them read the declaration of His Royal Highness on that point, which proved the discussion of that question to have been wholly unnecessary. With regard to the early part of the reign of Henry the Sixth, the noble Lord had not more respect for that period than he had; but, let their Lordships remember, that the Bishop of Durham, at that time Lord Chancellor, resigned the seal into the hands of the infant King, and that the great men of that day directed the Master of the Rolls to put the great seal to various commissions, and that one single person was appointed to hold the Parliament, the Duke of Gloucester, who was the nearest of kin of any person in the realm to the King; and, by the same mode of argument, the Prince of Wales was the proper person now to be appointed to exercise the Royal authority. What could be more mean than the cowardly system of attacking the Crown when it was defenceless, of maiming and mutilating the prerogatives of His Majesty, and cutting off the hairs of his strength while his head lay in their lap. Such a plan could only be founded in a low suspicion, that if the Prince of Wales were appointed Regent, he would not give his assent to the bill of limitations and restrictions.

Lord Hawkesbury. Lord *Hawkesbury* explained, that the Duke of Gloucester had been named Protector, in the reign of Henry the Sixth, by the Parliament, and by a commission to which the great seal was affixed by their authority, and not by that of any other power.

Lord Osborne. Lord *Osborne* (Marquis of Carmarthen) observed that, unless he mistook the reasoning of the noble Earl who spoke last but one, he appeared to have stated, that the question proper to be adopted was, whether it was not more advisable to appoint one person to open the Parliament, than to name Commissioners for the purpose. If he could guess from a circumstance which had occurred in debate, the difficulty would not have been diminished. No man was more ready than he was to declare, that he had not the most distant suspicion, that if His Royal Highness the Prince of Wales were, in the first instance, declared Regent, His Royal Highness would not refuse his assent to a bill of limitations and restrictions on
his

his Regency; but he could not consent that, in a question of that kind, the House ought to be governed by personal confidence, because, if that were the case, the great barriers of the Constitution might, one day, be thrown down in compliment to the personal virtues of an individual. Some of the harsher arguments of noble Lords who had spoken against the question, for several of whom, the Marquis declared, he entertained great private friendship, and very sincere regard, he attributed rather to the accidental heat of debate, and could not regard them as the serious result of their sober judgement. He and his colleagues had been accused of favouring republican principles, and of curtailing the prerogatives of the Crown, in a moment when the Crown was defenceless; thus taking advantage of the King's incapacity. Those noble Lords who held this doctrine, talked as if the Throne were vacant, as at the time of the Revolution; a distinction which the noble Lord who spoke last had very clearly, and, in his mind, unanswerably, marked.

Earl *Fitzwilliam* observed, that the two Houses had resolved, that it was their right and duty to supply the defect of the Royal authority, and that they immediately followed it by resolving, that that defect could not be supplied otherwise than by authority of an act of Parliament! Earl Fitzwilliam.

The question was then put, and carried without a division.

It was next moved, "That the resolution be immediately reported to the House," which was done as soon as the House was resumed, and the House agreed to the resolution.

Lord Radnor moved his amendment, which was also voted.

The blank in the commission was then filled with the words, "Tuesday the 3d of February;" and the House having resolved that a conference be desired with the Commons on Monday, and the said resolution reported to them, and their concurrence desired, the House adjourned.

Monday, 2d February.

Earl Bathurst appeared for the Lord Chancellor, in his absence.

A message was sent to the Commons, desiring their attendance in the Painted Chamber, for the purpose of holding a conference with their Lordships.

The Deputy Usher of the Black Rod soon afterwards announced the attendance of the Commons.

The following names were then called over, as a Committee to hold the conference.

Marquis of Stafford,
Earl of Pomfret,
Lord Sydney,
Lord Dover,
Lord Amherst,

Earl of Oxford,
Bishop of Salisbury,
Bishop of Exeter,
Bishop of St David's,
Lord Howard de Walden.

The conference being over, and the Committee returned, the Lord Privy Seal reported the conference, and the House adjourned.

THE
H I S T O R Y
OF THE
PROCEEDINGS AND DEBATES
OF THE
H O U S E of L O R D S,

In the SIXTH SESSION of the
Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

Tuesday, 3d February, 1789.

A MESSAGE was sent from the Commons, desiring a conference, which soon took place, when the resolution of the Lords was returned, agreed to by the Commons.

A message was then sent to the Commons, by the Gentleman Usher of the Black Rod, desiring their immediate attendance to hear the commission read. The Lords Commissioners, who sat in their robes to receive the Commons, were the Archbishop of Canterbury, Earl Bathurst, (as Speaker, in the absence of the Lord Chancellor) the Lord Privy Seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain of the Household.

When the Speaker came to the bar with the Commons, Earl Bathurst stated, that the illness of His Majesty had made it necessary that a commission, in his name, should pass the great seal, and which they would hear read.

The clerk read the commission, and having concluded, Earl Bathurst addressed the House, and the Commons, as follows:

“ My

“ My Lords, and Gentlemen,

“ In pursuance of the authority given to us by His Majesty’s commission under the great seal, which has been read, amongst other things, to declare the causes of your present meeting; we have only to call your attention to the melancholy circumstances of His Majesty’s illness; in consequence of which it becomes necessary to provide for the care of His Majesty’s Royal person, and for the administration of Royal authority, during the continuance of this calamity, in such manner as the exigency of the case seems to require.”

After the Commissioners were unrobed, Earl Bathurst again took the woofsack, when the usual orders at the opening of the session were moved and ordered.

The House adjourned.

Monday, 9th February.

Lord Dover having a petition from Warren Hastings, Esq. desired that it might be read by the clerk. It was accordingly read, as follows :

“ To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

“ The humble Petition of Warren Hastings, Esquire, late Governor General of Fort William, in Bengal.

“ Sheweth,

“ THAT your petitioner was permitted by the honourable House of Commons to appear before their bar, on the 24th of April, 1786, to answer to certain charges which had been preferred against him in that honourable House. That your petitioner, on the 14th of May, 1787, was impeached by the honourable House of Commons of Great Britain, at the bar of your Lordships’ House, of high crimes and misdemeanors—That your Lordships were pleased to grant your petitioner a copy of the articles of impeachment, with leave to answer the same.—That on the 25th of November, 1787, in the following session of Parliament, your petitioner, according to your Lordships’ order, did deliver in his answer to the said articles, and the 13th of February, 1788, was appointed for the commencement of his trial, and it was accordingly commenced and continued by various adjournments, to the 15th of June of the same year. That your petitioner conceived an abundant consolation, when he saw himself brought before a Court, which was held in universal estimation the most just, as it was the most respectable, from the high titles and dignities, and

“ the noble characters of the Members composing it : and
“ impressed at this time in an equal degree with the same
“ sentiments, and assuring himself, that your Lordships will
“ favourably receive any representation which he may con-
“ ceive himself under the necessity of making to your Lord-
“ ships, of the hardships which he has sustained, and may
“ yet have cause to apprehend, from the peculiar circum-
“ stances of the present trial, he humbly presumes, in this
“ stage of it, to state the same to your Lordships, and to pray
“ for such redress and relief in the future process of it, as
“ your Lordships’ wisdom may be able to devise, and your
“ justice prescribe.

“ And your petitioner humbly begs leave to observe, that
“ one year has elapsed since the commencement of his trial ;
“ and, in that interval, seven noble Lords, his Judges, have
“ yielded to the course of nature ; some of the persons, whose
“ evidence was required for his defence, have returned to
“ their duty in India, and many of those who remain, are
“ detained, to the injury of their fortunes and prospects, and
“ to some loss of the service to which they belong. That
“ your petitioner possesses no means of indemnifying them
“ for their detention, nor does he presume to estimate his
“ own right at so high a price, as to exact from any man,
“ that he should devote the prime season of his life to in-
“ action. That such of the witnesses whose conveniences
“ may permit it, or whose inclinations may prompt them to
“ remain, many must, by death, or the variable accidents
“ of life, be taken from him before the time of his defence.
“ That his health, which a long residence in an ungenial
“ climate, had impaired, has been precluded from receiving
“ the only remedy which a foreign air could afford for its
“ restoration, and the only palliative which a state of ease
“ could afford it at home ; his fortune wasted in the expences
“ unavoidably incident to so heavy a prosecution, and his
“ person thrust out from its place in common society ; with
“ other sufferings which, though most sensibly felt by him,
“ may not be specified in an address to your Lordships.

“ And your petitioner begs leave humbly to observe to
“ your Lordships, that although the prosecution has yet
“ been closed upon two articles only of his impeachment,
“ twenty articles were preferred against him by the honour-
“ able House of Commons ; that these comprised in effect all
“ the material transactions, civil, political, military, reve-
“ nue, and financial of a Government of thirteen years ;
“ that a considerable portion of this time was a period of
“ great difficulty, danger, and embarrassment, to every de-
“ pendency of the British Empire, and now particularly to
“ the extensive territories which were under the actual go-
“ vernment

“ vernment of your petitioner, or which depended upon his
 “ exertions for subsistence and relief; that your petitioner
 “ was therefore under the necessity, through his Counsel and
 “ Solicitors, of collecting and collating, from the volumi-
 “ nous records of the East-India Company, the whole history
 “ of his public life, in order to form a complete defence to
 “ every allegation which the honourable House of Commons
 “ has preferred against him; for, your petitioner had not,
 “ when your Lordships were pleased to grant him a copy of
 “ the articles, neither has he now, any means of knowing
 “ whether any, or what articles, if any, were meant to be
 “ abandoned by the honourable House of Commons. That
 “ it was not possible for your petitioner to be prepared with
 “ the necessary materials for such a defence, without incur-
 “ ring a very heavy and intolerable expence, the sums which
 “ have been actually paid, and for which your petitioner
 “ stands indebted, amounting, according to the most accu-
 “ rate estimate which he could procure from the best autho-
 “ rity, to upwards of thirty thousand pounds. That this is
 “ a subject of great and serious alarm to your petitioner,
 “ who, in the indefinite prospect before him, sees himself in
 “ danger of wanting the means of defence, and even of sub-
 “ sistence, should his life, which is not pro^bable, be conti-
 “ nued to the close of a trial, in which so small a progress
 “ has yet been made, unless your Lordships’ wisdom shall
 “ enable you to afford your petitioner that relief which he
 “ humbly solicits, and confidently hopes to receive: That
 “ your petitioner, with all sincerity of heart, craves leave to
 “ assure your Lordships, that he does not presume to state his
 “ sense of the hardships to which he has been, and is subject-
 “ ed by the past events of the trial, as matters of complaint,
 “ being fully persuaded that they were unavoidably incident
 “ to the peculiar nature of such a trial, and to the peculiar
 “ character and circumstances of the charge which was the
 “ subject of it. That he has stated them with no other mo-
 “ tive or view than to obtain from your Lordships a delive-
 “ rance from the dreadful chance of his character being trans-
 “ mitted on the records of your Lordships’ high and august
 “ Court, blasted with unrefuted criminations, and an acce-
 “ leration of the time in which he may be enabled to make
 “ his innocence, his integrity, and (may he be permitted in
 “ all humility to add) his deserts apparent to your Lord-
 “ ships.

“ Your petitioner therefore most humbly prays, that
 “ your Lordships will be pleased to order that the
 “ trial may proceed, according to your Lordships’
 “ order upon the last adjournment, and that it may
 “ be

“ be continued to its close, (if it be possible) without
“ interruption.

WARREN HASTINGS.

London, February 9, 1789.

The *Lord Chancellor* observed, that as the House was *Ld. Chancellor*, and as their Lordships were not generally informed that such a petition was to be presented, he would merely move that it should lie upon the table in order to be taken into consideration on a future day, when there might be a full attendance. He would further move, that the trial should be adjourned to Monday, not meaning, however, that they could proceed on that day. Their Lordships would recollect that in the last year they had adjourned the trial during the term the judges were upon their circuits; but whether the same mode should be observed at present, would be an object for their Lordships' determination when they took the petition into consideration.

The House adjourned.

Wednesday, 11th February.

The Marquis of *Stafford* presented a petition signed *Dud-* *Marq. of*
ley and Ward:—it was in behalf of the brother of the late *Stafford*.
Lord Viscount *Dudley and Ward*, claiming the title as next male heir, his brother having died without issue. The petition set forth, that application had been made to Viscountess *Dudley and Ward*, to declare whether she was or was not pregnant, to which she had refused to give an answer, although there was every reason to believe she was not, merely from animosity to the petitioner; and that she was now upon the eve of departing to some foreign country; it therefore prayed the interference of the House. The Marquis observed that in the present instance he intended only to propose it should lay on their Lordships' table, that at some future period it might be referred to a Committee of Privileges.

The House adjourned.

Friday, 13th February.

Mr. Pitt, attended by several other members, presented a bill “To provide for the care of His Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of His Majesty's illness.”

The Lord Chancellor brought up the bill, and acquainted the House with the message.

Lord *Sydney* now rose and moved to have it read a first time, which was done. He next moved to have it printed, which was also ordered. *Lord Sydney*

Lord *Sydney* afterwards gave notice that he should on the
immediate

immediately ensuing Monday, unless some satisfactory reason was then given to the contrary, move to have the said bill read a second time.

The House adjourned.

Monday, 16th February.

Lord Sydney. Lord Sydney moved that the bill intituled “An act to provide for the care of His Majesty’s Royal Person, and for the administration of the royal authority during the continuance of His Majesty’s illness,” be read a second time. The bill was accordingly read;* and on the question being put, “that this bill be committed,”

The

* A Bill, intituled an Act to provide for the Care of His Majesty’s Royal Person, and for the Administration of the Royal Authority, during the Continuance of His Majesty’s Illness.

WHEREAS, by reason of the severe indisposition with which it hath pleased God to afflict the King’s most Excellent Majesty, the personal exercise of the royal authority by His Majesty is for the present so far interrupted that it becomes necessary to make provision for assisting His Majesty in the administration and exercise of the royal authority during the continuance of His Majesty’s indisposition, in such manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, require; be it therefore enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that His Royal Highness George Augustus Frederick, Prince of Wales, shall have full power and authority, in the name and on the behalf of His Majesty, and under the stile and title of Regent of this kingdom, to exercise and administer, according to the laws and constitution of Great Britain, the royal power and authority to the Crown of Great Britain belonging, and to use, execute, and perform all authorities, prerogatives, acts of government, and administration of the same, which lawfully belong to the King of this Realm, to use, execute, and perform, subject to such limitations, exceptions, regulations, and restrictions, as are herein-after specified and contained.

And be it also enacted by the authority aforesaid, that no acts of regal power, prerogative, government, or administration of government, of what kind or nature soever, which might lawfully be done or executed by the King’s most Excellent Majesty, personally exercising his royal authority, shall, during the continuance of the Regency by this act established, be valid and effectual, unless done and executed in the name, and on the behalf, of His Majesty, by the authority of the said Regent, according to the provisions of this act, and subject to the limitations, exceptions, regulations, and restrictions, herein contained.

And be it further enacted by the authority aforesaid, that the said Regent before he shall act, or enter upon his said office of Regent, shall take the following oath of office :

“ I DO

The Duke of *Grafton*, rising, observed that his embarrassment was rather of a painful nature in consequence of his delivering his sentiments thus late, and for the first time, concerning a bill of so much critical importance, the chief parts of

“ I Do solemnly promise and swear, that I will truly and faithfully execute the office of Regent of the kingdom of Great Britain, according to an act of Parliament passed in the twenty-ninth year of the reign of His Majesty King George the Third, intituled, An act to provide for the care of His Majesty’s royal person, and for the administration of the royal authority during the continuance of His Majesty’s illness; and that I will administer, according to law, the power and authority vested in me by virtue of the said act, and will, in all things, to the utmost of my power and ability, consult and maintain the safety, honour, and dignity of His Majesty, and the welfare of his people.

“ So help me GOD.”

Which oath shall be taken before His Majesty’s most honourable Privy Council, who are hereby required and impowered to administer the same, and to enter the same in the books of the said Privy Council.

And be it further enacted by the authority aforesaid, that the said Regent shall be deemed and taken to be a person having, and executing in office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of this kingdom to qualify persons to hold offices and places of trust, and to continue in the same, in such manner, as in, and by the said laws and statutes are required, and under such pains, penalties, forfeitures, and disabilities, as are herein and thereby appointed and ordained.

And be it also enacted by the authority aforesaid, that it shall be lawful for the said Regent to take and subscribe such oaths, and make and subscribe such declaration, in, and before His Majesty’s most honourable Privy Council; and that the certificate of his having received the sacrament of the Lord’s Supper in any of the royal chapels signed by the person administering the same, shall be registered in the books of the said most honourable Privy Council; and that such taking and subscribing the said oaths, and making and subscribing the said declaration, and taking the sacrament of the Lord’s Supper as aforesaid, shall be, to all intents and purposes, as effectual as if the same had been respectively taken, made, and subscribed in the manner now required by law for the qualification of persons to hold offices and places of trust, and to continue in the same.

And be it enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend, to impower the said Regent, in the name, and on the behalf of His Majesty, to give the royal assent to any bill or bills in Parliament, for repealing, changing, or in any respect varying the order and course of succession to the Crown of this realm, as the same stands now established in the illustrious House of Hanover, by an act, passed in the twelfth year of the reign of King William the Third, intituled, An act for the further limitation of the Crown, and better securing the rights and liberties

of the ground-work of which had undergone so large a discussion in both Houses of Parliament, that many of their Lordships had declared their opinions upon the subject, and, perhaps, most of them had sanctioned those opinions by their votes;

ties of the subject; or to any act for repealing or altering the act, made in the thirteenth year of the reign of King Charles the Second, intituled, An act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the church of England; or the act of the fifth year of the reign of Queen Anne, made in Scotland, intituled, An act for securing the Protestant religion, and Presbyterian church government.

Provided also, and be it enacted by the authority aforesaid, that if His said Royal Highness George Augustus Frederick, Prince of Wales, shall not continue to be resident in Great Britain, or shall, at any time, marry a Papist, then, and in either of such cases, all the powers and authorities vested in His said Royal Highness, by virtue of this act, shall cease and determine.

Provided always, and be it enacted by the authority aforesaid, that His Royal Highness shall not have, or exercise any power or authority to grant, in the name and on the behalf of His Majesty, any rank, title, or dignity, of the peerage of this realm, by letters patent, writ of summons, or in any other manner whatever, or to summon any person to the House of Lords by any title to which such person shall be the Heir Apparent, or to appoint any such rank, title, or dignity, which now is, or hereafter shall be, in abeyance, to any of the coheirs thereof.

Provided nevertheless, and be it enacted, that it shall be lawful for His said Royal Highness to grant, in the name and on the behalf of His Majesty, any rank, title, or dignity, of the peerage of this realm, to such of His Majesty's royal issue as shall have attained the full age of twenty one years.

Provided also, and be it enacted by the authority aforesaid, that the said Regent shall not have power or authority to grant, in the name and on the behalf of His Majesty, any office or employment whatever in reversion, or to grant for any longer term than during His Majesty's pleasure, any office, employment, salary, or pension, whatever; save only that it shall be lawful for the said Regent to grant, in the name and on the behalf of His Majesty, all such offices and employments in possession, for the term of the natural life, or during the good behaviour, of the grantee or grantees thereof respectively, as by law may be so granted.

And be it further enacted by the authority aforesaid, that the said Regent shall not have power, in the name and on the behalf of His Majesty, to make any gift, grant, alienation, lease, or other assurance, to any person or persons, body politic, or corporate, whatever, under the Great Seal of Great Britain, Exchequer seal, seals of the Duchy or County Palatine of Lancaster, or any of them, or by copy of court roll, or otherwise, of any manors, messuages, lands, tenements, rents, tythes, woods, or other hereditaments, now belonging or hereafter to belong to His Majesty, or to any person or persons in trust for

been in a most extraordinary manner imputed to the worst and the most sinister; and, fearful as he was, lest it should not be thought that the whole of the system of measures which had been pursued in the difficult and singular situation
in

any penalty or forfeiture incurred, or to be incurred, of any sum, or sums of money become, or which shall become, due or forfeited to His Majesty, which by law may be remitted, mitigated, or pardoned: Provided also, that this act, or any thing therein contained, shall not disable the said Regent from issuing and applying all such monies as now are, or shall be, applicable to the civil government of the realm, by virtue of any act or acts of Parliament made, or to be made.

And be it enacted by the authority aforesaid, that the several letters patent, letters of Privy Seal, and all other lawful authorities, of what nature or kind soever, which have been granted or issued by His Majesty, by virtue whereof any payments of any sum or sums of money, are directed to be made out of the monies applicable to the use of His Majesty's civil government, for the use of the Queen's most Excellent Majesty, or for the use of any of the branches of His Majesty's Royal family, shall continue to be, and the same are hereby enacted to continue to be of full force and effect respectively, during the continuance of the Regency by this act established; and that warrants shall be issued by the Lord High Treasurer, or Lords Commissioners of the Treasury, for the payment of the several sums therein respectively contained, which warrants the said Lord High Treasurer, or Lords Commissioners of the Treasury, are hereby respectively required to issue at the usual and accustomed times, and in the usual and accustomed manner.

And be it further enacted by the authority aforesaid, that the Lord High Treasurer, or the Lords Commissioners of the Treasury, shall from time to time direct so much of the monies of the civil list revenues to be issued at the receipt of the Exchequer, as shall be sufficient to pay the whole of the expences incurred in each quarter, in the several departments of His Majesty's household, in the same order, and in like manner as is directed by an act, made in the twenty-second year of His Majesty's reign, intituled, An act for enabling His Majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil list; provided that the whole amount of such expences, at the end of each quarter, shall not exceed by more than three thousand pounds, the amount of the expences of the said departments at the end of the corresponding quarter in the year one thousand seven hundred and eighty-eight, and that the whole of the expence of any one year, from the fifth day of January to the fifth day of January in the succeeding year, shall not exceed the whole expence of the said departments in the year ending on the fifth day of January one thousand seven hundred and eighty-nine.

Provided always, and be it enacted by the authority aforesaid, that it shall and may be lawful for the said Regent, in the name and on the behalf of His Majesty, to make any such grant or grants of, or charge or charges upon, the several and respective duties and revenues which
are

n which the nation had found itself involved in consequence of His Majesty's unfortunate illness, met with his entire and hearty concurrence, he could not resist seizing upon that single opportunity of doing that, which he had been again and

re payable to His Majesty in that part of Great Britain called Scotland, as His Majesty can now lawfully make of such duties and revenues; save and except, that it shall not be lawful for the said Regent to make any grant or grants thereof, or charge or charges thereupon, in the same and on the behalf of His Majesty, for any longer time or term than during the pleasure of His Majesty.

And, be it further enacted by the authority aforesaid, that the Lord High Treasurer, or Lords Commissioners of the Treasury, shall direct, and they are hereby required annually to direct, on or before the twenty-seventh day of April, the sum of sixty thousand pounds, to be issued out of the monies of the civil list revenue, to the keeper of His Majesty's privy purse for the time being; and that the said keeper of His Majesty's privy purse shall be, and he is hereby authorised and directed, during the continuance of the Regency by this act established, to issue and apply the sum of twelve thousand pounds in the year, in such yearly, half-yearly, or quarterly payments, to such persons, and in such manner, as he has issued and applied the same by the authority and direction of His Majesty; and that he shall pay, and he is hereby authorised and directed to pay, the sum of one thousand pounds at the expiration of each and every quarter, to such person as Her most Excellent Majesty the Queen shall, by an instrument signed and sealed by Her Majesty, authorise and direct to receive the same, to be by Her Majesty's direction applied in such gifts, charities, and allowances, as Her Majesty may judge the same would have been applied to by His Majesty, and that the remainder of the aforesaid sum shall be invested by the said keeper of His Majesty's privy purse in some of the public funds of government securities, in the name of the keeper of His Majesty's privy purse, for the time being, in trust for His Majesty; and that the net surplus of the revenues of the Duchy and County Palatine of Lancaster shall be from time to time paid, under the order of the Chancellor and council of the said Duchy, into the hands of the keeper of His Majesty's privy purse, whose receipt shall be a sufficient discharge for the same, and shall by him be invested in some of the public funds or government securities, in manner aforesaid; and that the Governor and Company of the Bank of England shall place the said several sums on an account, to be raised in the books of the said Governor and Company, intituled, The account of the keeper of His Majesty's privy purse; and that upon the death, resignation, or removal, of the present and every other keeper of His Majesty's privy purse, hereafter to be appointed, all and every the said stock or stocks, and sum or sums of money arising from the dividends which shall accrue thereon, shall immediately vest in the successor of the present or any future keeper of His Majesty's privy purse respectively; and the keeper of His Majesty's privy purse for the time being is hereby required to lay out and invest the dividends, so accruing as aforesaid, from time to time, in the purchase of other stocks and securities on the like account, and that the keeper of His Majesty's privy purse for the time being shall, from time

and again prevented from executing, by repeated fits of illness, and of delivering his sentiments on the principle of the bill then under consideration. Accustomed as he had been, for many years back, to trouble their Lordships on almost every

time to time, execute declarations of trust of all such funds and securities, declaring that the same are held in trust for His Majesty by instruments to be executed under his hand and seal, to be deposited with Her Majesty.

Provided always, and be it enacted by the authority aforesaid, that the said keeper of His Majesty's privy purse shall, on or before the twenty-seventh day of April, one thousand seven hundred and ninety, and on or before the twenty-seventh day of April in every succeeding year, during the continuance of this act, take an oath before the Barons of the Exchequer, or one of them, in the form following :

" I, A. B., do swear, that, according to the best of my knowledge,
 " belief, or information, no part of the money which has been issued
 " to me for the service of His Majesty's privy purse, by virtue of an act,
 " intituled, An act to provide for the care of His Majesty's Royal
 " person, and for the administration of the Royal authority, during
 " the continuance of His Majesty's illness; between the
 " day of and the day of has been
 " applied, directly or indirectly, for the benefit, use, or behoof, of
 " any member of the House of Commons, or, so far as I am concerned,
 " applicable, directly or indirectly, to the purpose of supporting or
 " procuring an interest in any place returning members to Parlia-
 " ment.

" So help me GOD."

And whereas it is necessary that proper provision should be made for the care of His Majesty's Royal person, during the continuance of his illness, and for the direction and government of His Majesty's household, in such manner as the circumstances of the case at present appear to require; be it therefore enacted by the authority aforesaid, that the care of His Majesty's Royal person, during the continuance of his said illness, and the disposing, ordering, and managing, of all matters and things relating thereto, and also the direction and government of His Majesty's household, shall be, and the same are hereby vested in the Queen's most Excellent Majesty; and that Her said Majesty shall have the full and sole power and authority, by an instrument in writing, signed and sealed by Her Majesty, to nominate, appoint, or remove, the Lord Steward of His Majesty's household, the Lord Chamberlain of His Majesty's household, the Master of the Horse to His Majesty, and the Master of the Robes, and keeper of His Majesty's privy purse, the Groom of the Stole, the gentlemen and grooms of His Majesty's bedchamber, and the several officers in the respective departments aforesaid, whose appointment, nomination, or removal, have been heretofore made by His Majesty; and that the nomination and appointment of Her Majesty, in the manner and form aforesaid, shall be valid and effectual, to all intents and purposes, as if the same had been made or done by His Majesty in the accustomed manner; and that the persons so appointed shall be entitled to the like precedence

every subject which came before them, he would not waste the time of the House by expatiating on the possibility of his being deprived of the power of attending the future discussions of the bill, by returning illness, and he would promise them

precedence, privileges, salaries, wages, profits, and all other emoluments, as the several persons now holding and enjoying the said offices are respectively entitled to.

And whereas the execution of the weighty and arduous trusts hereby committed to the Queen's most Excellent Majesty, in respect of the care of His Majesty's Royal person, and of the disposing, ordering, and managing, of all matters and things relating thereto, may require the assistance of a council, with whom Her Majesty may consult and advise in the discharge of the same; be it therefore enacted by the authority aforesaid, that in order to assist and advise Her said most Excellent Majesty in the several matters aforesaid, there shall be, during the continuance of His Majesty's illness, a council, consisting of John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, Lloyd Lord Kenyon; the Lord Steward of His Majesty's household for the time being; the Lord Chamberlain of His Majesty's household for the time being; the Master of the Horse to His Majesty for the time being; and the First Gentleman of the Bedchamber, and Groom of the Stole to His Majesty for the time being; which Council shall, from time to time, meet, as Her Majesty shall be pleased to direct; and if it should happen that any of them the said John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, and Lloyd Lord Kenyon, should depart this life, then, and in such case, it shall be lawful for the Queen's most Excellent Majesty, by an instrument in writing, signed and sealed by Her Majesty, revokable at her will and pleasure, to nominate and appoint some one person, being or having been a Member of His Majesty's most honourable Privy Council, to be a Member of the said Council, to advise and assist Her Majesty as aforesaid, in the room and place of each and every of the said Counsellors so departing this life; which nomination and appointment shall be forthwith certified by an instrument in writing, signed and sealed by Her Majesty, to the Lords of His Majesty's most honourable Privy Council, and shall be entered in the books thereof:

And be it further enacted by the authority aforesaid, That each and every such Counsellor shall, within the space of one month after his appointment by virtue of this act, or by virtue of Her Majesty's nomination and appointment, in manner aforesaid, take the following oath before His Majesty's most honourable Privy Council; who are hereby required and impowered to administer the same, and to enter the same in the books of the said Privy Council:

" I A. B. do solemnly promise and swear, That I will truly and
 " faithfully counsel and advise the Queen's most Excellent Majesty,
 " according to the best of my judgement, in all matters touching the
 " care of His Majesty's Royal person, and the disposing, ordering, and
 " managing all things relating thereto."

" So help me GOD."

And

them that he would not trespass on their patience by going improperly into any argument respecting particular clauses, which might occasion present debate, when they ought more fitly to be reserved for future discussion. He meant merely, in

And be it further enacted by the authority aforesaid, That the said Council, or any three or more of them, shall have power and authority at all times, when they shall judge it necessary, to call before them, and to examine upon oath, the physicians, and all other persons attendant on His Majesty during the continuance of his illness, touching the state of His Majesty's health, and all matters relating thereto; which oath any Member of the said Council is hereby authorized and empowered to administer.

And be it further enacted by the authority aforesaid, That if any person, being a Member of the House of Commons, shall accept of any office of profit from the Crown, by the nomination and appointment of Her Majesty the Queen, by virtue of this act, or by the said Regent, in the name and on behalf of His Majesty, during the continuance of the Regency hereby established, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election, in such and the like manner as if such person had been appointed to such office by His Majesty.

And be it further enacted by the authority aforesaid, That if Her Majesty the Queen shall depart this life during the time that the care of His Majesty's Royal person shall be committed to Her Majesty, according to the provisions of this act, the said Regent shall forthwith order and direct a proclamation, under the great seal of Great Britain, to be issued and published, declaring the same, and, in case the Parliament then in being shall then be separated by any adjournment or prorogation, directing that the said Parliament shall forthwith meet and sit, or, if there shall be no Parliament in being, then, and in such case, directing that the Members of the last preceding Parliament shall forthwith meet and sit.

And be it enacted, That the said Members, so meeting and sitting, shall be deemed and taken to be the two Houses of Parliament, to all intents and purposes, as if the former Parliament had not been dissolved; but that they shall not continue to sit as the said two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

And be it also further enacted by the authority aforesaid, That, until due provision shall in such case have been made by Parliament for the care of His Majesty's Royal person, all and every the powers and authorities in and by this act vested in Her Majesty, touching the care of His Majesty's Royal person, and the disposing, ordering, and managing of all matters and things relating thereto, shall be, and the same are hereby vested in the Council in and by this act appointed to assist and advise Her Majesty in the execution of the trusts to Her said Majesty committed by virtue of this act: Provided nevertheless, that in such case nothing in this act contained shall extend, or be construed to extend, to empower the said Regent, or the said Council, to nominate, appoint, or remove any of the several officers of His Majesty's house.

in a general way, to state his sentiments, not of parts of the bill, but of the whole of the system of measures which had been adopted, declaring that he heartily approved of it, as, in his judgement, most consonant with the true principles of

household herein mentioned, until due provision shall have been made by Parliament in that behalf.

And be it further enacted by the authority aforesaid, that if His Royal Highness George Augustus Frederick, Prince of Wales, shall depart this life during the continuance of the Regency by this act established, the Lords of His Majesty's most honourable Privy Council shall forthwith cause a proclamation to be issued in His Majesty's name, under the great seal of Great Britain, declaring the same, and, in case the Parliament then in being shall then be separated by any adjournment or prorogation, directing that the said Parliament shall forthwith meet and sit, or, if there shall be no Parliament in being, then and in such case, directing that the Members of the last preceding Parliament shall forthwith meet and sit.

And be it enacted, That the said Members so meeting and sitting shall be deemed and taken to be the two Houses of Parliament, to all intents and purposes, as if the former Parliament had not been dissolved, but that they shall not continue to sit as the said two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet.

And be it further enacted by the authority aforesaid, That when it shall appear to Her Majesty the Queen, and to five of the Council appointed by this act to assist Her Majesty in the execution of the trust committed to Her Majesty by this act, that His Majesty is restored to such a state of health as to be capable of resuming the personal exercise of the Royal authority, it shall and may be lawful for her said Majesty, by the advice of five of her said Council, to notify the same, by an instrument under Her Majesty's hand, and signed also by the said five of Her Majesty's said Council, and addressed to the Lord President of His Majesty's most honourable Privy Council for the time being, or, in his absence, to one of His Majesty's Principal Secretaries of State; and the said Lord President, or Secretary of State, shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the Members of His Majesty's most honourable Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or, in his absence, the said Secretary of State, is required, in the presence of any six or more Privy Counsellors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter to send a copy of such instrument to the Lord Mayor of the city of London, and likewise to cause the same to be printed in the London Gazette.

And be it further enacted by the authority aforesaid, That if at any time after the said instrument under the hand of Her Majesty, and of five of her said Council, shall have been received and entered as aforesaid, His Majesty shall think proper, by an instrument under his sign manual, to require the Lord President of His Majesty's most honourable Privy Council for the time being, or, in his absence, one of His

of the Constitution. It had been extremely proper, in his opinion, for Parliament to have those precedents in view, which had been collected, and submitted to their consideration, though, perhaps, they were chosen from times, not precisely

Majesty's principal Secretaries of State, to summon a Council in His Majesty's presence, consisting of any number of persons, not less than nine, whom His Majesty shall name, not being members of the Council appointed by this act to assist Her Majesty, and who shall be, or shall have been members of His Majesty's most honourable Privy Council, the said Lord President, or Secretary of State shall, and he is hereby required to summon such persons accordingly, and as well the said Lord President, or Secretary of State, as the other persons so summoned, shall, and they are hereby required to attend at the time and place appointed by His Majesty, and such persons so assembled shall be, and be deemed to be, a Privy Council for the purpose herein-after mentioned.

And be it further enacted, by the authority aforesaid, That if His Majesty, by the advice of six of such Privy Council so assembled, shall signify his Royal pleasure to resume the personal exercise of His Royal authority, and to issue a proclamation declaring the same, such proclamation shall be issued accordingly, countersigned by the said six of the said Privy Council; and all the powers and authorities given by this act shall from thenceforth cease and determine, and the personal exercise of the Royal authority by His Majesty shall be and be deemed to be resumed by His Majesty, and shall be exercised by His Majesty, to all intents and purposes, as if this act had never been made.

And be it further enacted by the authority aforesaid, That if the Parliament in being at the time of the issuing such proclamation as aforesaid shall then be separated by adjournment or prorogation, the said Parliament shall forthwith meet and sit, and if there shall be no Parliament in being at the time of issuing such proclamation as aforesaid, then, and in such case, the Members of the last preceding Parliament shall forthwith meet and sit.

And be it enacted, That the said Members so meeting and sitting shall be deemed and taken to be the two Houses of Parliament, to all intents and purposes, as if the former Parliament had never been dissolved; but that they shall not continue to sit as the said two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

Provided always, and be it enacted, That so much of this act as provides that the said Regent shall not have power and authority to grant, in the name and on the behalf of His Majesty, any office or employment whatever in reversion, or to grant for any longer term than during His Majesty's pleasure any office, employment, salary, or pension whatever, may be varied or repealed by any act or acts to be made for that purpose in this present session of Parliament, in so far only relates to the granting of any office, employment, salary, or pension, to any person appointed to the office of Lord High Chancellor of Great Britain; or to any person retiring on account of age or infirmity from the office of Chief Justice or Justice of the Courts of King's Bench or

precisely such as ought to be made the ground of immediate proceeding under the calamitous circumstances of the moment. In fact the measures, which had been judiciously selected, and adhered to with so much perseverance, but at the same time with so much firmness, till they had been reduced into the regular form of a bill, seemed to him to be wisely adapted to supply the temporary defect in the form of our government, and to be such as the remaining three Estates, consisting of the Nobility, Clergy, and Commons of England, (speaking by their proper voice, that of the representatives of the People) could best take to provide for the deficiency of the fourth Estate, and such as they owed to the Sovereign, and to the regard which was due from them to the interest of every subject of the kingdom. Different measures (he was satisfied) could not have been followed without injustice to the Sovereign, and danger to the country. There was one point to which, though he meant not to go into any discussion, he would just say a word or two; and that was, the clause which declared that nothing contained in the bill should be construed to extend to empower the Regent, in the name and on the behalf of His Majesty, to give the Royal assent to any bill for repealing the act of Uniformity, or the act of the fifth of Queen Anne, passed at the time of the Union, for securing the Presbyterian church government of Scotland. The Duke desired that by giving his approbation to the bill he might not be considered as declaring his opinion that the act of Uniformity was infallible, or that it ought not, at any future period, to be rendered a subject of discussion and re-consideration. The original framers of the act of Uniformity, he was persuaded, by no means intended it to be so regarded; but, being actuated by the best motives, designed to frame the act on the wisest principles, and, being conscious of having done so, had thought it could not too often be brought under discussion. The dissenters, he was convinced, deserved every reasonable consideration on the part of the Legislature, and were entitled to every degree of

Common Pleas, or Chief Baron or Baron of the Court of Exchequer at Westminster.

Provided also nevertheless, and be it enacted, That the said limitation of the power of the said Regent, with respect to the granting, in the name and on the behalf of His Majesty, any rank, title, or dignity of the Peerage of this realm, shall continue and be in force for and during the space of three years from the commencement of this act, and no longer.

And be it enacted by the authority aforesaid, That this act, and the several powers and authorities to be exercised by virtue of the same, shall commence and take effect from and after the eighteenth day of February, one thousand seven hundred and eighty-nine.

discussion of the act of Uniformity, and, that however it might be deemed proper to give place to the clause respecting that act which made a part of the present bill, it might not go forth to the public as a final decision of Parliament upon the subject. He could easily conceive that it had been difficult to decide under circumstances so new and so embarrassing, upon what was the proper and most constitutional mode of proceeding, and, therefore, he gave those who differed in opinion upon the subject, and opposed the resolutions on which the bill then before them was founded, full credit for having objected upon principles perfectly honourable and pure; he trusted, however, that those to whom he alluded would have the candour to give him the same degree of credit which he was willing to allow them, and to believe that his motives were equally sincere and unquestionable.

Ld. South- Lord *Southampton* rose next, and remarked, that it was
ampton. not without the deepest concern that he felt himself under the necessity of proceeding to observations, which would not only differ from those of his noble friend and relation, but be advanced in favour of a much more dissimilar idea of the principles of the Constitution. He had long been accustomed to bow with reverence to the political system of the noble Duke, and, from a consciousness of his superior knowledge and ability, to make the noble Duke's sentiments on public affairs his own political creed; but, on the present occasion, so far from thinking with the noble Duke, that the measures which had been pursued, and which had been rendered the groundwork of the bill, were consonant with the true principles of the Constitution, he considered them as the most nefarious measures, the most unconstitutional, and the most dangerous which had ever been adopted. He felt, like the noble Duke, as a warm friend to his country, a warm friend to his Sovereign, a warm friend to his Royal progeny, and a warm friend to every point which ought to be held as sacred in the Constitution; and he would appeal to the noble Duke's candour, whether if he were Minister to carry on a Government under such restrictions as the bill imposed on the Regent, he could pretend to conduct a Government, so as to render it beneficial to the People, or advantageous to the interests of the empire. He declared, that he had ever acknowledged with gratitude the salutary effects of the noble Duke's Administration, and the Public had concurred in bestowing their cordial applause on no one measure of that Administration in a greater degree, than on the restraining the East-India Company in respect to their dividends. That wholesome measure
had

had proved the salvation of the Company, and, in consequence, of most essential service to the interests of the Public in general. Would the noble Duke undertake to say, that, acting as a Minister under the restrictions of the bill then under consideration, it would have been possible for him to have carried the salutary measure to which he had alluded, into effect? The noble Duke well knew, that the great cause of his leaving office, had been his having found by experience, that the power of the Crown was not sufficient to enable him to carry on a Government of efficacy and of vigour: how then could it be expected, that the Regent should be able to carry on such a Government with mutilated and diminished powers? For his own part, he could sincerely protest, that he spoke not under the influence of party prejudices; he felt no prejudices in favour of this or that particular man; whoever governed the country best, and most advantageously for the People, was the Minister under whose banners he was ready to enlist; but as he could not think of the measures which had been pursued as the noble Duke did, sorry as he was to differ from him in political opinion, he felt it his duty to do so on the present occasion, in friendship he hoped he never should differ with the noble Duke, but that they should continue to live in the same unison and harmony, which had constituted for so many years the chief happiness of his life, and which he felt it impossible to reflect upon without the highest satisfaction.

Tuesday, 17th February.

The order of the day being read for the House to resolve itself into a Committee on the bill, intitled, "An act to provide for the care of His Majesty's Royal person, and for the administration of the Royal authority during the continuance of His Majesty's illness," the Lord Chancellor left the woolfack, and Lord Walsingham went to the table as Chairman of the Committee.

The Committee proceeded to debate the several clauses, clause by clause.

Lord Osborne (Marquis of Carmarthen) proposed an amendment in the first clause, the object of which was, to insert words, confining the delegation of authority to the Prince of Wales to govern the kingdom under the stile and title of Prince Regent, "to the period of the duration of His Majesty's indisposition, and until the issuing of the proclamation, declaring His Majesty's resumption of the personal exercise of the Royal authority, as in manner herein after provided."

This amendment passed.

When

When the clause, "restraining the Regent from giving
" the Royal assent to any bill or bills for repealing or chang-
" ing the order of succession to the Crown, as the same
" stands established by the act of settlement, or to any act
" for repealing the act of uniformity, or the act for securing
" the Presbyterian Church Government of Scotland," was
read,

Duke of Norfolk. The Duke of *Norfolk* contended, that restraining the Prince Regent from giving the Royal assent to any bill for repealing the act of Settlement, was an unnecessary restriction, as it was not to be imagined that the Prince, as Regent, would injure his own interests as Heir Apparent to the Crown.

Earl Stanhope. Earl *Stanhope* observed, that the particular part of the bill which was of the highest moment, had now fallen under the consideration of their Lordships. He added, that whosoever had carefully examined the act of Parliament referred to in the clause, must be of opinion that the clause was ill worded. In the first place, the act of Charles the Second, was not an act of the 13th, but of the 13th and 14th of that reign. Next, in that act, there was a clause which re-enacted and confirmed all the statutes which were replete with persecutions of the most harsh and severe nature. He wished to qualify the wording of the clause, so as to leave the door open to discussion, if it should hereafter be the sense of Parliament to repeal not alone the act of Uniformity, but all the persecuting statutes referred to by a clause in that act. He had some authority for the amendment which he should move, the honourable gentleman who brought up the bill, and delivered it at their bar, and who had likewise brought it originally into the other House of Parliament, having seemed to approve of such an alteration. Earl Stanhope now read the enacting clause in the 13th and 14th of Charles the Second, cap. 4, as follows :

" 13 and 14 Charles II. ch. 4. (called the Act of Uniformity, sec. 24. The several good laws and statutes of
" this realm, which have been formerly made, and are now
" in force, for the uniformity of Prayer and administration
" of Sacraments, shall stand and be in full force and strength
" to all intents and purposes, for the establishing and con-
" firming the Book of Common Prayer annexed to this act.
" And shall be applied, practised, and put in use for the pu-
" nishing of all offences contrary to the said laws, with re-
" lation to the book aforesaid, and no other."

They had set forth many different Common Prayer Books at different periods, and the clause which he had just read re-enacted all the acts referring to all those different Common Prayer Books, and were many of them as scandalous statutes

s ever disgraced a statute book; and clearly passed in the days of darkness and ignorance, by those who had as little religion as humanity. Some of them contained rank blasphemy, as he would convince their Lordships, by reading an abstract from one of them, as follows:

2d and 3d Edward VI. cap. 1, recites, that the Archbishop of Canterbury, and certain Bishops, and other learned men, had been appointed by the King's uncle, the Lord Protector, and other of His Highness's Council, to draw, and make one and convenient and meet order, rite, and fashion of common and open prayer, and administration of the sacraments to be had and used in His Majesty's realms of England and Wales; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth, and delivered to his Highness, to his great comfort and quietness of mind, in a book intituled, "The Book of the Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church, after the use of the Church of England."

Sect. 2, enacts, That if any person or persons whatsoever, after the feast of Pentecost then next coming, shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak any thing in the derogation, depraving or despising of the same book, or of any thing therein contained, or any part thereof, shall, for the first offence, forfeit ten pounds, for the second offence twenty pounds, and for the third offence shall forfeit all his goods and chattels, and suffer imprisonment during his life.

Earl Stanhope commented on this declaration, that the common prayer book referred to in the above abstract, had been written with the assistance of the Holy Ghost, and then said, that in the very same reign, by a subsequent statute, a new Book of Common Prayer was set up, as appeared by

5th and 6th of Edward VI. ch. 1, sect. 5. (speaking of the Book of Common Prayer, of the 2d and 3d of Edw. VI.) Therefore, as well for the more plain and manifest explanation hereof, (the same being unintelligible) as for the more perfection of the said order of common service, in some places (though the same had been best established by the Holy Ghost, as stated in the former act of Parliament) where it is necessary (not merely expedient and proper, but, from its absurdity, necessary) to make the same prayers and fashion of service more earnest and fit to stir Christian people to the true honouring of Almighty God, (the book of the Holy Ghost being quite unfit for that purpose. Infamous blasphemy!)

The King (with the assent of the Lords and Commons) has

Sect. 2. If any person shall willingly hear and be present at any other manner or form of common prayer, than is set forth in the said book, (annexed to this present statute) he shall, for the first offence, suffer imprisonment for six months, without bail or mainprize; for the second offence, imprisonment for one whole year; and for the third offence, imprisonment during his or their lives. (Even, therefore, if present when the book of the Holy Ghost is read. How hardened and infamous!)

Earl Stanhope mentioned the various statutes which were alluded to in the general clause of reference in the 13th and 14th of Charles II. sec. 24, in the following order:

1 The said acts, viz. 2 and 3 Edward VI. and 5 and 6 Edward VI. repealed by 1st Mary, sec. 2, chap. 2.

And 1st Elizabeth, chap. 2, sect. 2, revives 5 and 6 Edward VI. as to book, with alterations and additions. This was the third book

Sect. 26, enacts that the Queen, by advice of certain commissioners or the Metropolitan, may ordain further rites and ceremonies.

Therefore, the order of the Common Prayer Books were, 1st, Holy Ghost, but last in consequence; next Parliament; next the Queen and Archbishop of Canterbury.

Sect. 9. Depraving 3d book. 100 marks first offence.

Sect. 10. 2d offence, 400 marks.

Sect. 11. 3d offence, forfeiture of goods and chattels, and imprisonment for life.

Sect. 16. Church censure against persons offending against this act.

5th Elizabeth, chap. 23, specifies the cases in which an excommunicated person may be imprisoned, by means of the writ *de excommunicato capiendo*.

Sect. 13 specifies the said cases as follows:

5th Eliz, ch. 23. "An act for the due execution of the writ *de excommunicato capiendo*." Sect. 13. And that if the offender against whom any such writ of *excommunicato capiendo* shall be awarded, shall not in the same writ of *excommunicato capiendo* have a sufficient and lawful addition, according to the form of the statute of *primo* of Henry the Fifth, in cases of certain suits, whereupon processes of exigent are to be awarded; or, if in the *significavit* it be not contained that the excommunication doth proceed upon the same cause or contempt of some original matter of heresy, or refusing to have his or their child baptized, or to receive the holy communion as it is now commonly used to be received in the Church of England, or to come to divine service now com-

monly used in the said Church of England, or error in matter of religion or doctrine now used and received in the said Church of England, incontinency, usury, simony, perjury in the Ecclesiastical Court, or idolatry; that then all and every pains and forfeitures limited against such persons excommunicated by this statute, by reason of such writ of *excommunicato capiendo* wanting such sufficient-addition, or of such *significavit* wanting all the causes afore mentioned, shall be utterly void in law; and by way of plea to be allowed to the party grieved.

1st Eli. chap. 2, sect. 14. Every person to go to church every Sunday or holyday, or to forfeit twelve pence.

23 Eliz. chap. 1. sect. 5. Every person above sixteen, not going to church for a month, shall forfeit for every month 20l. and shall in twelve months be bound, with two sufficient sureties, in 200l. at least, for his good behaviour.

Sect. 11. Imprisonment if he cannot pay.

35. Eliz. chap. 1. sect. 1. A person refusing to go to church, to be committed till he does go.

(To chuse between a cathedral and a prison!)

Sect. 8. Keeping in one's house a recusant, 10l. per month.

(Therefore for each servant, visitor in the country, &c.)

3 James I. chap. 4, sect. 11. (20l. for a man who cannot pay twenty shillings, sufficient cruelty!) That the penalties may be raised, said the act, "in better proportion upon men of great ability," it therefore enacts, that the King may refuse the 20l. per month, incurred for not going to church, though the same be legally tendered, and may take two parts out of three of all the lands, tenements, and hereditaments of the said vile offender.

Sect. 32 and 33. Having a recusant in his house, forfeit 10l. per month.

Sect. 34. Humane proviso in favour of father and mother wanting other habitation.

(If they do not want other habitation, even father and mother are to be turned head and shoulders out of doors!)

Sect. 39. Ecclesiastical jurisdictions reserved against offenders against this act.

13 and 14 Charles II. chap. 4, sect. 2. (fourth Book of Common Prayer.)

Sect. 24. Applies all the good laws then in force for persecution to the new books.

29 Charles II. chap. 9. An act for taking away the writ *de Hæretico Comburendo*. (Sect. 1, hereticks not to be burnt to death, but in sect. 2, curious proviso!)

1 Wm. and Mary, stat. 1. chap. 18. Toleration Act confirmed by 10 Ann, chap. 2. extended by 19 George III.

These said laws were not repealed, but were in force, not as to all Dissenters, but in force as to all persons of the Church of England, and some classes of Dissenters. Earl Stanhope mentioned also

27 Henry VI. Act for pardoning all Priests “for all manner and kind of felonies and rapes by them perpetrated.”

Their Lordships, Earl Stanhope remarked, need not be told, that passing ecclesiastical censures on persons refusing to go to church, and punishing them for idolatry, was directly contrary to magna charta. It might do for the clergy, but not for laymen. Magna Charta said, (9 Henry III. cap. 29) “No freeman shall be taken or imprisoned, or be disseized of his freehold, or liberties, or free customs; or be outlawed or exiled, or any otherwise destroyed; but by the lawful judgement of his Peers, or by the law of the land (*vel, per legem terræ.*)” He did not mean then to trouble the House with any proposition respecting the abominable acts of Parliament to which he had referred; but he had resolved, at a future and more fit opportunity, to call their Lordships’ serious attention to the subject, having undergone the drudgery of going through the whole Statute book, and found that there were no less than three hundred acts in it upon religion. He did not wish materially to alter the clause; he only desired to leave the question open. As the clause then stood, the Prince Regent might repeal Magna Charta, the Habeas Corpus act, or Mr. Grenville’s act for trying controverted elections, and the best and most useful statutes ever passed, but he could not repeal the worst, not even that most barefaced statute of Henry the Sixth, which forgave the Clergy all the felonies and rapes which they had committed. That act was even less infamous than several of those which he had mentioned, because it only pardoned the guilty; whereas those to which he had referred, punished the innocent. In conclusion, he begged leave to read the opinions of the Earls of Chatham and Mansfield, two of the greatest men that had ever lived, though they were known to have acted on very opposite principles, on the subject of toleration in matters of religion.

The late Earl of Chatham’s speech in the House of Lords on the Dissenters’ Bill.

“The Reformation has laid open the scriptures to all—
 “let not the Bishops shut them again. Laws in support of
 “ecclesiastical power are pleaded for, which it would shock
 “humanity to execute. It is said that religious sects have
 “done great mischief, when they were not kept under strict
 “restraint. History affords no proof that sects have ever
 “been

“ been mischievous, when they were not oppressed and persecuted by the ruling Church.”

Lord Mansfield, in the House of Lords, in the case of Allen Evans, as reported by Dr. Richard Burn, in his Ecclesiastical Law, title “Dissenters,” said—“ What bloodshed and confusion have been occasioned from the reign of Henry IV. when the first penal statutes were enacted, down to the Revolution, by laws made to force conscience! There is nothing certainly more unreasonable, more inconsistent with the right of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic, than persecution. It is against natural religion, against revealed religion, and sound policy. Sad experience, and a large mind, taught that great man the President De Thou this doctrine. Let any man read the many admirable things which, though a Papist, he hath dared to advance upon the subject in the dedication of his History to Henry the Fourth of France, which,” observes Lord Mansfield, “ I never read without rapture, and he will be fully convinced not only how cruel but how impolitic it is, to persecute for religious opinions.”

And the late Earl of Chatham, in a letter to the Rev. Dr. Price, says, “ It is impossible to be writing to Dr. Price, without the mind going of itself to that most interesting of all objects to fallible man, Toleration. Be assured, Sir, that on this sacred unalienable right of nature, and bulwark of truth, my warm wishes will always keep pace with your own.”

Earl Stanhope now moved an amendment, to prevent any new difficulty being placed, by the Regency Bill, in the way of the repeal of the Test Act, if application should be made for such a repeal hereafter.

Earl *Bathurst* begged leave to remind the House, that whenever an act of Parliament passed in a session, part of Bathurst. which session was holden in the end of one year, and part of it in the beginning of the next year, unless the period of the commencement of the act was otherwise specially enacted in the bill itself, the time of its operation always was from the beginning of the session, and therefore an act which had passed in a session holden in the thirteenth and fourteenth years of Charles the Second, was described with precision, when it was termed an act of the thirteenth year of the reign of King Charles the Second.

Lord *Hawkesbury* remarked, that in the act of Union, which was generally deemed to be a statute that had been drawn with more than an ordinary share of accuracy, the

Lord
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act of Uniformity was expressly called an act passed in the 13th year of the reign of Charles the Second.

Earl Stanhope. Earl *Stanhope* answered, that their Lordships would see that the act of Uniformity was set down, as having passed in the 14th year of the reign of Charles the Second, in the Common Prayer Book on their table.

Archbishop of Canterbury. The Archbishop of *Canterbury* having premised that he was far from meaning to vindicate the statutes referred to in the enacting clause of the 13th of Charles the Second, added, that he considered their discussion, however proper hereafter, as out of time at present, and was convinced, that the main subject of the bill was of sufficient magnitude to occupy the whole of their Lordships' attention. He had besides hoped to have persuaded the noble Earl, that he had not examined the subject of the act of Uniformity with the degree of accuracy that was due to a matter of such moment, by shewing the noble Earl beforehand, that he had omitted to take notice of several points essential to be considered in a general view of that question. The several matters cognizable and punishable by the statutes mentioned by the noble Earl, as those referred to in the enacting clause of the act for the Uniformity of public prayers, were applicable solely to the conduct of Ministers of the Church of England, who, having taken an oath to uphold and maintain the book of Common Prayer, were declared punishable in the manner proposed in those statutes, if they held doctrines derogatory from that book of Common Prayer, which they had solemnly sworn that they would uphold and maintain. With regard to the offences themselves, the noble Earl had not contended that they ought not to be the subject of some restraint; but had only argued against the excess of the restraint, and the severity of the punishment provided by the statutes in question; and upon this principle, and no other, his Grace remarked, the noble Earl had objected to them all. As to the penalties on conviction of not going to church, they had been repealed in favour of the Dissenters by the act of Toleration.

Earl Stanhope. Earl *Stanhope* having previously remarked, that the sentiments of the right reverend and learned Prelate must afford all advocates for toleration the highest pleasure, said, that as he feared that the right reverend and learned Prelate had mistaken his meaning, he should beg leave to remind him, that the object of his amendment was, not to make any alteration then, but to leave the subject open to discussion, as it was a subject of too much magnitude to be concluded by a side wind, which was an idea that no man ought to countenance. The right reverend and learned Prelate, his Lordship observed, had mentioned several things which he had omitted.

omitted. He had omitted them on purpose, not because he was going to propose any point respecting them at that time, but because the clause ought not to stand as it did. It might as well enact, that the Regent should not alter the *habeas corpus* act. Who conceived that either this, or the alteration of the act of settlement, could be intended by the Regent?

The Bishop of *Salisbury* said, the noble Earl had talked of Bishop of the persecuting spirit of those statutes, would not any per- Salisbury son who heard him have imagined that the magistracy were prosecuting upon those statutes with the utmost rigour? So far from it, those statutes had long been buried in oblivion, and, in all probability, would have remained so, had not the noble Earl chosen to have called them forth to their Lordships' recollection. Let the noble Earl produce a single instance in which any one of those statutes had been put in force for more than a century past! The moderation of the Church of England was her boast and her chief pride. With regard to the part of the clause in the bill which restrained the Regent from giving the Royal assent to any bill or bills for the repeal of the act of Settlement, and the act for the Uniformity of public prayer, such a restriction was, in his mind, equally wise and expedient, because it should be recollected, that the Regent having a delegated power, he ought to be restrained from doing that which no authority but that of the King upon the Throne ought to be able to effect. The Bishop added, that as he was then addressing the Committee, he would take the opportunity of declaring, that every vote which he had given in the progress of the business then under their consideration, was a vote arising out of the clearest conviction of his mind, that the system was a wise system, founded in constitutional principles, and adapted to the exigency of the case with the utmost prudence and foresight. He was perfectly independent. The goodness of Providence, and the bounty of his Sovereign, had set him above the reach of party influence. He spoke, therefore, and acted in that House, merely as his conscience dictated; and so satisfied was he of the excellence of the measures which had been pursued, that he could not sit down without giving his thanks to the two great men who had piloted the vessel of State through a stormy and turbulent sea, with so much manly perseverance and immovable firmness, that the present age could not but look up to them with astonishment, nor was it possible for posterity to consider their conduct, without feeling an equal mixture of esteem and admiration.

The Bishop of *Gloucester* observed, that the objects of Bishop of the 13th of Charles the Second, and the penal statutes re- Gloucester ferred to in the enacting clause of that act, went merely to enforce

Earl Stanhope. tived, without urging the Committee to a division, declaring that he was satisfied with having brought the subject under their consideration, and desiring it to be remembered, that not even one of the learned and right reverend Prelates, who had spoken on the occasion, had ventured to vindicate these highly objectionable statutes.

The question being put, and the clause ordered to stand as it was in the bill, the Committee proceeded, and the residency, marriage, and peerage clauses, were severally ordered to stand. The question was put on the last, but no division ensued.

Lord Radnor. Lord *Radnor* moved as an amendment to the next proviso, that enabling the Regent to grant the rank of Peerage to such of His Majesty's Royal issue as should have attained the full age of twenty-one, to add the words, "and shall be actually resident in Great Britain."

Viscount Stormont. Viscount *Stormont* trusted, that by the amendment it was not proposed to restrain the Regent from granting a Peerage to any one of the Royal family as should be of full age, who might be employed abroad in a military capacity, in the public service.

The Committee divided on the amendment—Contents, 69; Not Contents, 58.

The amendment consequently passed.

The Committee proceeded with the other clauses, and made several amendments in the progress of the different clauses.

At length the Committee came to the clause investing the Queen with the care of the King's person, when Lord *Osborne* moved to insert, "and such of the Royal issue as have not attained the age of twenty," which was agreed to.

Lord *Rawdon* then rose to offer another amendment in the same clause; but it being proposed to report progress, and adjourn the Committee, it was agreed upon, and the House rose.

Wednesday, 18th February.

When the order of the day for resuming the Committee had been read, and Lord *Walsingham* had taken his seat at the table,

Lord Rawdon. Lord *Rawdon* having remarked, that he felt it impossible to avoid considering the clause which gave to Her Majesty full power over the King's household, in the light of a most unwarrantable introduction of an authority directly mili-

ilitating against that of the person holding the executive government, begged leave to call to the recollection of the Committee, that the noble Peers with whom he acted had objected to the restriction on which that clause was founded, when it had been first proposed. Its object had been since explained, and now that they knew what that object was, their objections were substantiated. The keeping the officers in their situation, separate from the control of the Regent, could not add any thing to the comfort and satisfaction of His Majesty, in his present unhappy situation, while the depriving the Regent of the attendance of those officers was taking away from that state and splendor of personal appearance which were so necessary to his dignity. He addressed not his argument to their Lordships, or to philosophers; they knew that obedience was due to Government from those who were governed, whether the person of the Governor was surrounded with splendor or not; but the multitude felt differently; with them it was necessary to work upon their prejudices, and to procure subordination and respect by the dazzling lustre of appearances. It had been said, that although the household was withholden from the Regent, yet a substitute was to be provided suitable to the rank and importance of his office; but he well knew the feelings of His Royal Highness upon that subject, and it was a matter of deep regret to him, that his taking upon himself the government of the kingdom during His Majesty's illness, was to throw a new weight upon the nation. This proposition was erroneous in every point of view. During His Majesty's illness the question resulted, would they have a Government or not? The bill said, what the people felt; it declared that a Government was necessary; but how could a Government go on with the combination in the bill, the provisions of which had proceeded from a false but generous principle of attachment to the Sovereign? No part of it was more reprehensible than the clauses respecting the Queen. They were going to give Her Majesty a power and government of money to an extent which she had never known before, and which, of course, was liable to great abuse. The Prince had an evident interest in the due management of the several concerns entrusted to the Queen, but Her Majesty had no interest whatever. In conclusion, Lord Rawdon having premised that, should his amendment be carried, he would follow it up by moving, *seriatim*, what officers of the household he meant to place under Her Majesty's power and control, to insert after the words, "also the direction and government of," words to the following effect, "such part of His Majesty's household as shall be deemed necessary to attend on His Majesty during his illness."

The

occasion to receive a foreign Ambassador, he must send to Her Majesty and borrow Sir Clement Cottrell for the day ! It had been observed in another quarter, that the Queen could have no political views. Her Majesty, he well knew, deserved veneration ; and he would say of her, what the Constitution directed them to say of the King, " that she could do no wrong ;" but her advisers might, who had power without responsibility. Her Majesty would have flatterers about her. Cabal and artifice would find their way into her house, since he knew nothing in the air of Kew Palace that had the power to keep away the vermin with which Courts were constantly infested.

Lord
Hawkef-
bury.

Lord *Hawkefury* remarked, that in no former Regency bill so much as in the present could a Regent stand free and unfettered, excepting only by a few restrictions. With regard to the opinion of a noble Lord (Rawdon), that all governments were nothing more than a combination of precedents, he should venture to answer, that, in absolute and despotic governments, it was not always so ; but in a free government like ours, sure he was that the security of obedience, and what enabled the few to govern the many, was the sense which the people entertained of their own power, exercised through the medium of their representatives in Parliament ; and so the best writers on the Constitution had defined it. With regard to the question of the household, unless their Lordships altered the whole system of His Majesty's family, they could not put the household in any other situation. The household, in fact, was under the operation of the clause, to be the household of Her Majesty. It was to be carried on in the house in which the Queen lived ; and would their Lordships say, that the Queen ought not to have the control over that household ? He denied that the Lord Chamberlain and Lord Steward were mere officers of state, never on duty, but when the King appeared in public as the representative of Majesty. They had many other essential duties. Had they forgotten a noble Earl (Earl Talbot) who, by his own management and economy, reformed much of the household, and saved a considerable sum to the nation ? Besides, by the bill of 1782, the Lords of the Treasury were expressly directed to issue no money for the payment of the household, but to the Lord Chamberlain and Lord Steward, or according to their warrants. To put those officers, therefore, under any other person, would be wronging Her Majesty in her household. The whole amount of the household offices was about 100,000*l.*, of which no more than 33,000*l.* related to officers

established at the Revolution. He took the clause to be neither more nor less than conferring on the Queen a direct and notorious influence in both Houses of Parliament. He had argued and voted against the famous India bill of 1783, because he conceived it to go to the creation of a powerful influence, which, if united with the Crown, would have made it too strong; and, if exercised against it, would have rendered it too weak. In speaking of the present situation of affairs, he would use some plain and forcible words, but they should be but few. If His Royal Highness the Prince of Wales was affectionate to his father, and acted wisely, he would continue, as much as might be, the present measures and the present Ministry. That was the advice which he would give him as a counsellor; but speaking as a Member of Parliament, if the Prince thought proper to exercise that discretion with which he would be constitutionally invested, and should choose to change the Ministry, he would not be one to establish a possibility of hampering his measures.

Viscount *Stormont* conceived that the amendment was such as the noble Earl could not oppose, because it went to nothing specific, but only opened the door for farther amendments. Viscount Stormont.

Lord *Radnor* read a clause which he had drawn and meant to introduce, the object of which was, among other provisions, to separate the nomination and appointment of the nobles Lord with white staves (the Lord Chamberlain and Lord Steward) from the control of the Queen, but to render them subservient to Her Majesty's order. Lord Radnor.

The Duke of *Richmond* contended, that if the amendment were agreed to, the Committee necessarily ought to move that the great officers of the household should be removeable by the Regent. He reminded the Committee, that His Majesty was to be considered as King of this country, notwithstanding his present situation, and that it ought to be remembered that, under the present bill, the Prince of Wales was the son of the King acting as Regent, but not the King; a difference and a distinction which the Prince ought to feel in every step which he pursued. As Prince of Wales and Regent, he ought, undoubtedly, to have great splendour, but not the same as the King himself. The Duke added, that he could not, until he knew how the noble Lord, who spoke first, meant that the great officers of the household should be removed, argue against his proposition; but if the proposition contained in the clause, just read by the noble Earl, was substantially the same, one answer would do for both. If the control were removed over those offices, they removed the responsibility, and it was necessary that the responsibility should remain. Duke of Richmond

pletely answer the object of what he had intended for his second motion, and would obviate the charge of influence; he therefore would substitute the noble Earl's clause, as the subject of his intended motion, if the amendment should be carried. Lord Rawdon alluded to the possible conjuncture of affairs which might arise from the state of Europe, to make negotiations with foreign powers necessary, and put the case, that the influence of the household might be exercised adversely to the existing Government, in the midst of a proceeding deemed essential to the safety and security of the country.

Duke of Richmond The Duke of *Richmond* observed, that, in his opinion, the idea of a parliamentary influence resulting from the placing the household under the power and control of the Queen, was too insignificant to merit much notice. The Duke, in conclusion, observed, that, under the present Regency bill, the Regent would acquire more authority than could have accrued to him from the operation of either of the two former.

Viscount Stormont Viscount *Stormont* remarked, that in former Regency bills he saw the whole executive powers of government given. It was not the attempt of men, in those times, to curtail the authority of the Regent, because they knew the whole powers of the Crown were necessary to carry on government. It was said, that, in former Regency bills, the power was divided between the Regent and a Council, but it was forgotten that all the Princes of the Blood were in that Council. Had the example of former Regency bills been followed, he was free to say, he should have opposed it, because he thought those bills liable to strong objection; but so far was he from giving the noble Duke and his colleagues credit for not having followed the example before them, that he thought, unwise and impolitic as those Regency bills had been, they were more wise and more politic than the present. When they instituted a weak government, they knew not the extent of the mischiefs that might ensue. He did not fear any thing from open bold ambition, but he dreaded every thing from that dark mean ambition, which worked like a mole under ground, undermining all above it, and attempting, by anticipation, to weaken that government, in which it was not to have a share, and to cripple what it dared not oppose. The patronage of the household extended to all the offices, and was not less than one hundred thousand pounds a year, which amounted to more than all the offices suppressed by the bill of 1782. It was an influence that was not trifling, but extending far and wide, and, as

he promoters of it themselves thought, of most pernicious consequence. He reprobated the idea of appointing great officers of the realm, who could be of no service to the King whatever during his present situation, to be under the Queen's control, because Her Majesty was entrusted with the care of the King's person. He alluded to the Lord Chancellor's speech, when the resolution, on which the clause was founded, was under consideration, and said it was rather an address to the Public than to that House. Those great officers of the household were officers of State, annexed rather to the Kingly office, than to the person of the King. Did any of those officers attend the King, except when he appeared in public the representative of Majesty? It was an extraordinary mode of keeping up the Majesty of the Crown, by not suffering the Regent to have the state which customarily surrounded the Crown. What was the reason that the Lord Lieutenant of Ireland always appeared with so much splendour? It was to signify the greatness and majesty of the King he represented. If the multitude were to see the Regent going to the House in his father's state coach, drawn by the cream-coloured horses, they would cry, "There he goes in his father's coach; we hope we shall soon see the father himself there." The father's image would recall the memory of the father. It was true that the Regent would make as great a figure as the King of Prussia, except on certain particular occasions. But the cases were not similar. In Prussia, which was a military government, the most captivating and politic appearance the sovereign had to maintain was rather that of a camp than a court. The case was different with us: in a great manufacturing country like this, splendour and outward shew were absolutely necessary. Nor was it for the Prince that it was asked; to him the situation of Regent was a situation of painful pre-eminence and royal servitude; the object was to have that splendour and ostentation which pleased the multitude. The Lord Steward and Lord Chamberlain were great officers of the realm, (so defined in the statute of precedence) always Members of the Privy Council, and constantly of the Select Council, in which the King was to exercise the greatest prerogative of the Crown, that of mercy! The office of the Lord Steward was as an office of jurisdiction. He had ever understood that the King was the fountain of office. The bill made the Queen the fountain of office, and yet some noble Lords had said it was constitutional. There was an impetuosity in the present Administration that bore down every barrier of the Constitution. He enumerated the various offices under the control of the Lord Chamberlain, mentioning the Board of Works, the Jewel

it incumbent upon him positively to deny that he had said, that all the power of Government depended on prejudice in all countries; he had only meant, that it was necessary, by the outward state and splendour which surrounded the person of him who exercised the supreme authority, that the prejudices of vulgar minds should be worked upon. The noble Lord (Hawkesbury) had stated the virtues of the present Administration; and he, for his own part, had no objection to hear a political swan sing forth the funeral dirge of his own departing power. If the people, however, had hitherto thought highly of the conduct of Ministers in the Regency business, it was because they had misconceived it, and saw it in a wrong point of view. If any thing could open their eyes, it was the decisive manner in which the Parliament of his country (Ireland) had acted, in respect to the same subject. Ireland had thereby shewn that she deserved to have that constitution which she had so nobly earned.

Lord Hawkesbury. Lord *Hawkesbury* having expressed his earnest hopes that the political swan might have leave to sing a few more funeral notes, declared, that he must still adhere to his former observation, that, in every degree of Government whatever, the confidence of the people in their Governors arose from the opinion which they entertained of their own share in that Government, and that as Her Majesty was to have the care of the King's person, she ought of necessity to have the power of managing the King's household.

Lord Kinnaird. Lord *Kinnaird* remarked, that it was not without equal concern and indignation that he considered the clause in question as the grand climax of those dangers to the Constitution with which the whole bill was fraught. He conceived himself to be a friend to the Constitution when he said thus much; and as to the case put by a noble Secretary of State, that if the amendment were adopted, and His Majesty, on his recovery, should call for a Duke of Roxburgh, or an Earl of Winchelsea, they would not be to be found; that was, in his mind, a direct charge upon those noble persons of a want of disinterested affection to His Majesty; it was directly saying, that they were influenced solely by the emoluments of their offices, and not by any other and more honourable ties of regard and reverence. He contended, however, that the imputation was unmerited, and that if His Majesty should call for those noble persons, and they should have been removed from their places, they would prove as ready to gratify the wishes of His Majesty, as if they were in office. With regard to the amendment's taking away the

appointment of the officers of the household from His Majesty, the clause itself took from the King that appointment and vested it in the Queen, as all the officers of the household were removeable in Her Majesty's name, and not, as was the case in other parts of the bill, in the name and on the behalf of His Majesty.

The question was at length put, and the Committee divided—Contents, 66; Not Contents, 89.

The amendment, of course, did not pass.

Earl Bathurst then moved to report progress and adjourn.

Lord *Loughborough* stated, that there were certain places for life in the household, which, as the clause stood, it would be in Her Majesty's power to give away, and under such circumstances her authority would rise far above the restrictions thrown, in a similar case, upon the Regent. Lord Loughborough.

The Duke of *Richmond* acknowledged that the objection appeared to be of so much serious importance that he wished for time to consider it thoroughly. He should be extremely sorry to give his assent to any bill, containing a clause which indirectly gave the Queen a power, which he was by no means willing, either directly or indirectly, to invest in any person during His Majesty's temporary indisposition. He therefore hoped the Committee would agree to the motion, "That the chairman be directed to report progress." Duke of Richmond.

Lord *Thurlow* observed, that should the clause be found liable to the objection which was stated, it would prove extremely easy to remedy the inconvenience by afterwards introducing a new clause as an effectual proviso. Lord Thurlow.

Lord *Walsingham* put the question, that the clause thus amended (as it had been by the Marquis of *Carmarthen*) stand part of the bill? This was agreed to.

Upon the question of reporting progress many Lords called out to *adjourn*. and others to *go on*.

The Earl of *Carlisle* observed, that during the preceding evening, it had been privately understood, that it would be for the convenience of certain individual Lords, that they should report progress and adjourn at nine o'clock, upon which it was agreed to, each side of the House understanding that they were to come down upon the day following and get through as much of the bill as possible. But was it to be a regular custom that they were to deem half an hour after nine too late to proceed, and this notwithstanding the vast importance of the bill under their consideration? Earl of Carlisle.

The Duke of *Richmond* declared that it was by no means his wish to report progress, merely because it was half after nine, but because the next clause was very important, and would call forth so considerable a degree of discussion, that Duke of Richmond.

that night, if they entered upon it at all.

Earl of Carlisle. The Earl of *Carlisle* protested that, in his opinion, a conduct so extraordinary carried with it all the appearance of an artificial delay. The Committee did not begin business till five o'clock, and after four hours debate, at half after eight, or within a quarter of nine, they were to be told of the lateness of the hour. His Majesty's ministers were to blame for not coming down to the House till five; although they had not now the usual excuse of having His Majesty to attend.

Duke of Richmond. The Duke of *Richmond* and the *Lord Chancellor* declared that they were always ready to enter upon business earlier, but that, without imputing more blame to one set of men than to another, the House, generally speaking, was so thin till five o'clock that it was not proper to begin any business of importance before that hour.

Earl of Carlisle. The Earl of *Carlisle* answered that he had not intended to point what he had said at either the noble Duke or the noble and learned Lord.

Marq. of Stafford. The Marquis of *Stafford* said that the best and most effectual way to prevent there remaining any cause for a similar complaint, would be for them to resolve to meet at half after three, and proceed immediately to business. Instead, therefore, of going into the important debate which the next clause would, in all probability, occasion, suppose it were generally understood that the noble and learned Lord would take the woofsack the next day, at half after three precisely?

Viscount Stormont. Viscount *Stormont* observed that he had known the House sit till two in the morning, and no man who weighed the business then before the House would deny that the bill was of greater importance than the Irish propositions, important as those propositions undoubtedly were. The delay which had already taken place, was most extraordinary. If, however, Ministers were willing to take upon themselves the responsibility for this delay, he had no objection. Let them adjourn for a month if they pleased, so as they confessed themselves responsible for the consequences. They knew the business best, and if they chose to delay and drive the bill off till so late a period that it would put other great and important bills which must soon be passed, in danger of not being passed in time, they did it at their own risque, and it was not for him, standing in the situation that he did, to urge the critical state of affairs at home and abroad, and the various dangers which might ensue.

Marquis Townshend. The Marquis *Townshend* observed that if the Committee were of opinion that they could get through the clause in three or four hours, he would as readily consent to go on as any Peer in Parliament, but the clause would involve the
Committee

Committee in a great deal of discussion, and perhaps they would save no time by entering upon it at present. If Ministers had been monopolising Ministers, determined to carry every thing with an high hand, and force the bill rapidly through the House, he should have considered them as censurable, but keeping in view the magnitude and importance of the bill he conceived that they had not been wanting in expedition.

On the question put, "that the chairman report progress," it was carried without a division.

The House adjourned.

On this occasion, it may not be improper to submit to the attention of our readers the following list of Peers who have voted in the minority on the question relative to the Regency.

S. means spoke—P. protested.

H. R. H. the D. of York, S. P.	Buckinghamshire, P.
Gloucester, - S.	Fitzwilliam, - - S. P
Cumberland, - S. P.	Powis, - - -
The Duke of Norfolk, S. P.	Egremont, - - P.
St. Albans, - - P.	Hertford, - - P.
Bolton, - - -	Ilchester, - - P.
Bedford, - - - P.	Radnor, - - - S.
Devonshire, - - P.	Spencer, - - P.
Portland, - - P.	Abergavenny, - P.
Northumberland, S. P.	Stanhope, - - S.
Marquis of Lothain, - P.	Viscount Hereford, - P.
Townshend, - - S. P.	Stormont, - - S.
Earl of Derby, - - S. P.	Bolingbroke, - - P.
Huntingdon, - - P.	Maynard, - - S.
Suffolk and Berks, S. P.	Hampden, - - P.
Exeter, - - -	Baron Audley, - - P.
Peterborough, - P.	St. John, - - P.
Stamford, - - -	Clifton, - - - P.
Sandwich, - - - S. P.	Jeynham, - - -
Carlisle, - - - S. P.	Craven, - - - P.
Shaftesbury, - - P.	Kinnaird, - - S. P.
Scarborough, - - P.	Boyle, Earl of
Jersey, - - -	Cork, - - - P.
Cholmondeley, - P.	Hay, Earl of
Eglintoun, - - P.	Kinnoul, - - S. P.
Caffillis, - - - P.	Cadogan, - - P.
Selkirk, - - - P.	Monson, - - -
Bredalbane, - - P.	Montford, - - P.
Aberdeen, - - P.	Chedworth, - - P.
Tankerville, - - P.	Ponsonby, Earl
Harrington, - -	Belsborough - P.
	Walpole

Stawell, - - - P.	Rawdon, - - S. P.
Sondes, - - - P.	Carteret, - -
Pelham, - - - P.	Douglas, Duke of
Lovel, Earl of	Queensbury, - P.
Egmont, - - P.	Malmesbury, - P.
Vernon, - - -	Brownlow, - -
Cardiff, - - - P.	Bishop of Winchester,
Hawke, - - - P.	Bangor - - -
Foley, - - - P.	Landaff, - - - S. P.
Loughborough, - S. P.	Bristol, - - - P.
Southampton, - S. P.	
Portchester, - - S. P.	

Dukes, — — — —	10
Marquisses, — — — —	2
Earls, — — — —	30
Viscounts, — — — —	6
Barons, — — — —	32
Bishops, — — — —	4

Total 84

Thursday, 15th February.

Ld. Chancellor.

The *Lord Chancellor*, rising, observed that it was not without the utmost pleasure that he felt it in his power to inform the House that, since His Majesty's physicians had pronounced him to be in a state of *convalescence*, the accounts of his progressive improvement had daily increased, and the recent intelligence from Kew was so favourable that he conceived that every noble Lord would agree with him in acknowledging that it would be indecent to go on with the proceedings in which they were engaged, under the present circumstances, when the principle of the bill might possibly be entirely done away. Every one of their Lordships, he was persuaded, would entertain the same sentiment on the same subject, and amidst the general joy which the happy and reasonable expectation of His Majesty's speedy return must occasion, he had no doubt that the House would consider it as absolutely necessary to wait a few days, and until a fuller ascertainment of the nature of the progress towards a perfect and complete recovery in His Majesty's health, before they went farther with the bill appointing a Regency. Congratulating their Lordships and the country therefore on the favourable prospect of that event, to which the wishes and prayers of all His Majesty's subjects were directed, he would humbly submit to their Lordships the propriety of the Committee's being adjourned until the immediately ensuing Tuesday.

Viscount *Stormont* observed, that no joy by which he might have been affected, during any of the happiest of the former moments of his life, could surpass that which he experienced at the present hour, in which the noble and learned Lord had given the House such ample reason to indulge themselves in the delightful hope that the recovery of His Majesty was approaching. In consequence of such a fortunate, such an earnestly and universally-desired event, it was more than probable that the salvation of the country would become permanently secured. Although Regencies were expedients which the necessity of the case might require, yet every person who had been accustomed justly to appreciate their political effects, must naturally suppose that the less often they occurred the better. With regard to the present Regency bill, he must take the liberty of stating, that he considered it as an aggravation of the calamity with which the country had been afflicted. He rejoiced therefore for himself, who, if the favourable prospect that had been opened to them by the noble and learned Lord, should be realized, would find himself delivered from the hard duty which the necessity of the case would have imposed on him, and which nothing but a necessity so urgent could have induced him to undertake. Even under the difficult and embarrassing circumstances, prescribed by the present bill, he was convinced that the Prince of Wales would have shewn at least an earnest of that political wisdom and constitutional zeal, which might be expected from him, when he should in consequence of the course of nature, incidental as much to sovereigns as to all mankind, ascend into the throne. It was reasonable to expect that his eyes would be closed long before that time arrived, but there were Lords present who might live to see the day to which he alluded, and who, he had no doubt, would feel the benefit, and acknowledge the truth of his prediction. Upon this occasion he felt himself justified in repeating his observation (which he had thrown out the preceding evening in general argument) that those who had the government of the country in their hands, and who knew the real state and pressure of affairs, both at home and abroad, much better than all persons out of office, must take upon themselves to answer for every inconvenience which might arise from the present, or any future delay. They must be responsible for the consequences; considering therefore that this was fair to suggest at that moment, and that it would be allowed that it was so, he should cheerfully give his consent to the motion of the noble and learned Lord, and to every delay which might be proposed.

His Royal Highness the Duke of *York* rose next, and said, I trust your Lordships will do me the justice to believe that no person in the House could feel a more sensitive pleasure than

Duke of
York.

made to the House, in which I perfectly concur.

I should have had great satisfaction in making the same communication to your Lordships, had I happily been enabled to do it from any certain information.

Impressed as the minds of the public were from the favourable reports which had been given them, I thought it my duty yesterday to request admission to His Majesty's presence; from reasons, however, which might be deemed at that time justifiable, I was denied that satisfaction.

From the knowledge I have of my Royal brother's sentiments, (although I can have had no kind of communication with him on a subject so unexpectedly brought forward) I am convinced that he will feel equal, if not greater pleasure than myself, from the satisfactory hope of His Majesty's recovery; as it must relieve him from the embarrassments in which he would otherwise have been placed, and which nothing but a strong sense of his duty to the Public would possibly have induced him to undertake.

It may also prove the happy means of rescuing me from a responsible situation, to which responsibility cannot be legally annexed, but to which the Great Seal might have been affixed.

The Committee was adjourned to the ensuing Tuesday, and the House rose.

Tuesday, 24th February.

The order of the day being read for the House to resolve itself into a Committee on the farther consideration of the bill, entitled, "An act to provide for the care of His Majesty's Royal person, and for the Administration of the Royal authority during the continuance of His Majesty's illness."

Ld. Chancellor. The *Lord Chancellor* having premised, that every statement, allusive to the strongest probability of the speedily approaching recovery of His Majesty, warranted his presuming that the same reasons which before actuated their Lordships, and induced them to adjourn on the preceding Tuesday, would prevail for a farther delay, moved to adjourn until the Monday following:

Duke of Norfolk. The *Duke of Norfolk* remarked, that as the noble and learned Lord had enjoyed the honour of being personally admitted into the Royal presence, his statement must come before the House with irresistible authority, notwithstanding that no regular evidence appeared to contradict the testimony of His Majesty's physicians delivered formally upon their examination. It was, however, his wish to be informed what

what were the present appearances of His Majesty's health, and if His Majesty should continue in the same progressive state of amendment, though not able to take upon himself the actual business of the regal station, what steps would be to be pursued after the period of adjournment proposed, and whether another examination of His Majesty's physicians would take place?

The *Lord Chancellor* answered, that, as far as his apprehension and judgement (not being a physician, nor conversant with such subjects) could enable him to form an opinion of His Majesty's understanding, the posture of His Majesty's mind appeared to be clear and distinct. Perhaps he was the best person to put such a question to, because, not having the opportunity of being near His Majesty's person, he had apprehended more for His Majesty than it now appeared had been absolutely necessary, and thence it was that he had from time to time received much consolation from the reports of those most competent to give him information upon the subject. With respect to the late interviews which His Majesty had commanded him to have with him, he had been in his presence, at one time, for an hour and a quarter, and that day for a full hour; during both which times he had found the posture of His Majesty's mind to be clear and distinct: so much so, that he appeared to be perfectly capable of conversing on any subject which might be proposed to him.

The House adjourned.

Monday, 2d March.

The *Lord Chancellor* observed, that as the state of His Majesty's health became daily more and more favourable, and as it was necessary for its perfect re-establishment that the pressure of public business should come upon him as gradually as possible, he should move that the House do adjourn to the ensuing Thursday.

The motion passed, and the House immediately adjourned.

Thursday, 5th March.

The *Lord Chancellor* having previously remarked, that their Lordships had adjourned on the preceding Monday, and indeed delayed entering upon the order which had been first read, from time to time, under the idea that it was proper to afford His Majesty as much space for recovery, before he engaged in business, as could be consistent with the pressure of public affairs, added, that, subsequently to their last adjournment, His Majesty found his health so much better established, that he was in hopes of communicating to that House, on Tuesday next, such other public business as was necessary

ther adjourned to the Tuesday following.

The House accordingly adjourned.

Tuesday, 10th March.

The Lords met according to adjournment, when a commission from His Majesty, appointing a number of the Privy Counsellors, or any three of them, in His Majesty's name, to deliver to both Houses of Parliament a speech from His Majesty, was read.

The Committee were accordingly summoned to attend, and they came up to the bar accordingly, when the Lord Chancellor, as one of the Commissioners, spoke as follows:

" My Lords and Gentlemen,

" His Majesty not thinking fit to be present here this day
" in his Royal person, has been pleased to cause a commission to be issued under his great seal, authorising and
" commanding the Commissioners who are appointed by
" former letters patent to hold this Parliament, to open and
" declare certain farther causes for holding the same; which
" commission you will now hear read."

And the same being read accordingly, the Lord Chancellor then said,

" My Lords and Gentlemen,

" In obedience to His Majesty's commands, and by virtue
" of both Commissions already mentioned to you, (one of
" which has now been read) we proceed to lay before you
" such farther matter as His Majesty has judged proper to
" be now communicated to his Parliament.

" His Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which
" he has been afflicted; and being enabled to attend to the
" public affairs of his kingdom, has commanded us to convey
" to you his warmest acknowledgements for the additional
" proofs which you have given of your affectionate attachment to his person, and of your zealous concern for the
" honour and interests of his Crown, and the security and
" good government of his dominions.

" The interruption which has necessarily been occasioned
" to the public business will, His Majesty doubts not, afford
" you an additional incitement to apply yourselves, with as
" little delay as possible, to the different objects of national
" concern which require your attention.

that, since the close of the last session, he has concluded a treaty of defensive alliance with his good brother the King of Prussia, copies of which will be laid before you: that His Majesty's endeavours were employed, during the last summer, in conjunction with his allies, in order to prevent, as much as possible, the extension of hostilities in the north, and to manifest his desire of effecting a general pacification: that no opportunity will be neglected, on his part, to promote this salutary object; and that he has, in the mean time, the satisfaction of receiving, from all foreign Courts, continued assurances of their friendly dispositions to this country.

“ Gentlemen of the House of Commons,

“ We are commanded by His Majesty to acquaint you, that the estimates for the current year will forthwith be laid before you; and that he is persuaded of your readiness to make the necessary provisions of the several branches of the public service.

“ My Lords and Gentlemen,

“ We have it particularly in charge from His Majesty to assure you, that you cannot so effectually meet the most earnest wish of His Majesty's heart, as by persevering in your uniform exertions for the public welfare, and by improving every occasion to promote the prosperity of his faithful people, from whom His Majesty has received such repeated and affecting marks of invariable zeal, loyalty, and attachment, and whose happiness he must ever consider as inseparable from his own.”

After the Commons had withdrawn to their own chamber, the Lord Chancellor again read the speech from the woolsack.

The Earl of *Chesterfield*, now rising, remarked, that he felt it peculiarly honourable to himself to be permitted to move an address, which must be so congenial to the feelings of every noble Lord present. The emotions of joy on the happy recovery of His Majesty were so generally felt, that it would not be necessary for him to urge a single argument for the motion which he was about to make: its propriety was manifest. By the circumstance of the King's distressing malady, their Lordships had been occupied for a considerable time in making provision for the executive government; but that bill, in which they had proceeded so far, was now, thank Heaven, rendered unnecessary. They had their King again; and therefore there could not be, in his mind, any hesitation on the measure now to be taken. He should therefore move, that an humble address be presented to His Majesty, stating,

“ That His Majesty’s most dutiful and loyal subjects, the
 “ Lords Spiritual and Temporal, in Parliament assembled,
 “ beg leave to approach his Throne, and return him their
 “ most humble thanks for the gracious speech which His
 “ Majesty has commanded to be made to both Houses of
 “ Parliament.

“ That they most sincerely congratulate His Majesty on
 “ his happy recovery from his late indisposition; and upon
 “ his being again enabled to extend to the urgent concerns of
 “ his kingdoms, and to exercise personally his Royal au-
 “ thority.

“ That they acknowledge, with all possible thankfulness,
 “ the good of Almighty God, in attending to the prayers of
 “ a loyal, affectionate, and afflicted people, and in restoring
 “ His Majesty to the wishes of his faithful subjects; and
 “ that they most earnestly hope that the blessing of His Ma-
 “ jesty’s just and benevolent Government may long be con-
 “ tinued to them.

“ That they humbly offer to His Majesty their most sin-
 “ cere expressions of gratitude for his gracious acceptance of
 “ their best endeavours to prove their zealous and affec-
 “ tionate attachment to his person, and their anxious con-
 “ cern for the honour and interest of his Crown, and the se-
 “ curity and good government of his dominions.

“ His Majesty may be assured, that they will, without
 “ delay, apply themselves to the consideration of the dif-
 “ ferent objects of national concern which require their at-
 “ tention.

“ That they most humbly thank His Majesty for the or-
 “ ders which he has been graciously pleased to give for lay-
 “ ing before this House a copy of the Treaty of Defensive
 “ Alliance which His Majesty has concluded with the King
 “ of Prussia.

“ That they are sensible that His Majesty’s endeavours, in
 “ conjunction with his allies, to prevent as much as possible
 “ the extension of hostilities in the North of Europe, and to
 “ contribute to the restoration of general tranquillity, are
 “ the natural result of His Majesty’s known wisdom and
 “ humanity; and they have a full reliance on the continu-
 “ ance of his exertions towards promoting so salutary an
 “ object.

“ That they hear with satisfaction, that His Majesty con-
 “ tinues to receive from all foreign Courts the strongest
 “ assurances of their friendly disposition towards this
 “ country.

“ That they are conscious that they ensure to themselves
 “ the approbation of His Majesty, when they attend to the
 “ public welfare, and to the advancement of the prosperity of

“ his

“ his people, whose zeal, loyalty, and attachment to His
 “ Majesty, are the natural and spontaneous effects of their
 “ uniform experience of His Majesty’s virtues, and of the
 “ constant blessings derived from his mild and auspicious
 “ government.”

Lord *Cathcart* rose next, and observed, that he considered, as peculiarly flattering to himself, the circumstance of second-
 ing the motion of the noble Earl for the address; it was a distinction of which, on such a day, any noble Lord would be proud. Though he knew it to be unnecessary to say a syllable, yet it was impossible to suppress the emotions of ecstasy with which the heart was pregnant upon so joyful an occasion. The emotions of gratitude to the Divine Being for the mercy extended to the nation, were certainly beyond his power to describe. To estimate them aright, noble Lords must look back and reflect on the sorrow which they felt on the first rumour of His Majesty’s illness. They must reflect on the dangers which they had avoided. The national bark had been tost on a most tempestuous sea, threatening every instant to dash on the rocks, and from which nothing but the skill and steadiness of their able pilot had preserved them. Lord Cathcart.

Earl *Stanhope* observed, that while he, in common with every man in and out of that House, felt and acknowledged the goodness of Providence in the restoration of His Majesty, a doubt occurred as to the parliamentary proceeding now suggested. The House had come to an unanimous resolution, That His Majesty was rendered incapable, by illness, from executing the duties of his office; and the two Houses claimed a right, and in consequence of their right, proceeded to make provision for supplying the deficiency in the executive government. A bill was in progress through the House, in which there was a clause, specifying the manner in which His Majesty was to resume the reins of government. The Queen and her Council were to judge and decide when His Majesty should be capable of re-assuming his government. Now the two Houses having first, by the examination of physicians, ascertained the fact, that the King was incapable, and having, by a clause in the bill, declared their sense as to the manner in which the nation should be satisfied of the King’s restored powers, he wished to know, whether the present measure was strictly parliamentary? He spoke only for the order. He had no hesitation in giving full confidence as to the fact of His Majesty’s restored health; but it was essential that they should act strictly in consonance to order. If the King could declare himself well, and of himself re-assume the reins of government, why introduce the clause into the bill by which the Queen and her Council must declare his capacity before he could re-assume his authority. If Earl Stanhope.

that clause was right; surely the present measure was wrong. He urged the House to avoid rashness and precipitation; and he wished the present motion might be deferred just only for sufficient time to enable the House to do away the resolution that stood on their journals.

Ld. Chancellor. The *Lord Chancellor* observed, that he could not bear, without the utmost surprise, the noble Earl suggesting a doubt concerning the propriety of the measure. With respect to the clause introduced into the bill, which was in its progress through the House, the noble Earl was mistaken as to the principle on which it was founded, and also as to the tendency. In the first place, surely, no declaration of the two Houses on the occasion of the King's illness could take from him the right of governing; nor could any clause in any such bill interrupt his re-assumption of his powers on the restoration of his health. Neither was the clause in question, nor the bill itself, (a bill, all the passages of which he wished to bury in everlasting oblivion, and he took this opportunity to say, he trusted, once for all, that there never would be provocation to recall it one passage of it, since no one passage in it was drawn in distrust of any of the branches of the Royal family) founded on the examination of the physicians. The measure was founded on the fact of the King's illness—a fact of which Parliament had the best testimony, namely, that the King neither met the Parliament, nor issued any commission for the duty to be executed by others, as it had been done this day. It was his peculiar duty, from his office, to take the King's pleasure on the subject; and he having communicated to Parliament, after the last prorogation, that no commission had been issued, the two Houses properly took upon themselves the task of providing for the emergency; then, in framing a temporary government, they introduced the clause alluded to by the noble Earl, as they thought it right that those who were to have the Government entrusted to them, might have it definitely determined, and that there might be no doubt on the means in which His Majesty was to re-assume the reins on his restoration to health.

Earl Stanhope. Earl *Stanhope* answered, that, with all the explanation of the noble and learned Lord, he still doubted they were not acting by a discreet prudence, not by sound constitutional principle. The resolution remained on their journals of the King's incapacity. The clause in the bill, pointing out what, in their deliberation, would be a sufficient testimony of the King's restored health, remained; and yet, in direct contradiction to their own declared sense, they were to assume what?—the King's own declaration. He could easily imagine a variety of means by which the two Houses might be

be as completely satisfied of the King's restored health, as they were of his incapacity. Why not resort to some other obvious means? What did they do by the plan now pursued? They left on the journals a proof of this fact, that the same Ministers who thought it wise, because, perhaps, they thought it might better answer their purposes, made a provision that, in the Regent's administration, the King's capacity should be declared by the Queen and her Council; and that this was indispensably necessary to satisfy the nation now, depart from their own course, because again it may better serve their purposes; and, without doing away in any manner the resolution on the journals, make the King act. He who was a friend to Ministers did not mean to insinuate any thing against their conduct; but certainly this construction might be put on their conduct, and a very alarming example might be given to other Ministers. The noble and learned Lord mistook him: he had made no motion, neither did he mean to make any.

The motion was then put, and the address voted *nem. dis.*

A Committee was appointed to draw up the address. It was reported, and agreed to accordingly, and the Lords with white wands were ordered to attend His Majesty to know when he would be waited upon with the address.

The Earl of Moreton moved a congratulatory address to the Queen, which was seconded by Lord Hawkesbury, and agreed to unanimously.

The House adjourned.

Wednesday, 11th March.

The Lords went to Saint James's with the following humble Address of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled:

"Die Martis, 10 Martii, 1789.

"Most gracious Sovereign,

*"We, your Majesty's most dutiful and loyal subjects, the
"Lords Spiritual and Temporal, in Parliament assembled,
"beg leave to approach your Throne, and return you our
"most humble thanks for the gracious speech which your
"Majesty has commanded to be made to both Houses of
"Parliament.*

*"We most sincerely congratulate your Majesty on your
"happy recovery from your late indisposition; and upon
"your being again enabled to attend to the urgent concerns
"of your kingdoms, and to exercise personally your Royal
"authority.*

*"We acknowledge, with all possible thankfulness, the
"goodness of Almighty God in attending to the prayers of
"a loyal,*

“ a loyal, affectionate, and afflicted people, and in restoring
 “ your Majesty to the wishes of your faithful subjects; and
 “ we most earnestly hope that the blessing of your Majesty’s
 “ just and benevolent Government may long be continued
 “ to us.

“ We humbly offer to your Majesty our most sincere ex-
 “ pressions of gratitude for your gracious acceptance of our
 “ best endeavours to prove our zealous and affectionate at-
 “ tachment to your person, and our anxious concern for the
 “ honour and interest of your Crown, and the security and
 “ good government of your dominions.

“ Your Majesty may be assured, that we will, without
 “ delay, apply ourselves to the consideration of the different
 “ objects of national concern which require our attention.

“ We most humbly thank your Majesty for the orders
 “ which you have been graciously pleased to give for laying
 “ before this House a copy of the Treaty of Defensive Alli-
 “ ance which your Majesty has concluded with the King of
 “ Prussia.

“ We are sensible that your Majesty’s endeavours, in con-
 “ junction with your allies, to prevent as much as possible
 “ the extension of hostilities in the north of Europe, and to
 “ contribute to the restoration of general tranquillity, are the
 “ natural result of your Majesty’s known wisdom and huma-
 “ nity; and we have a full reliance on the continuance of
 “ your exertions towards promoting so salutary an object.

“ We hear with satisfaction, that your Majesty continues
 “ to receive from all foreign Courts the strongest assurances
 “ of their friendly disposition towards this country.

“ We are conscious, Sire, that we ensure ourselves the
 “ approbation of your Majesty, when we attend to the pub-
 “ lic welfare, and to the advancement of the prosperity of
 “ your people, whose zeal, loyalty, and attachment to your
 “ Majesty, are the natural and spontaneous effects of their
 “ uniform experience of your Majesty’s virtues, and of the
 “ constant blessings derived from your mild and auspicious
 “ government.”

Thursday, 12th March.

The Earl of Salisbury presented the answer of the King to
 the Address of the House. It was as follows :

“ My Lords,

“ This very dutiful and affectionate address calls forth my
 “ warmest thanks; the sentiments expressed in it have so
 “ universally prevailed among my loving subjects, that they
 “ must, if possible, increase my solicitude for the prosperity
 “ and happiness of this my native country.”

The

The Earl of Morton presented the Queen's answer to the Address of Congratulation. Each of these was read, and ordered to be entered on the journals.

The House adjourned.

Wednesday, 8th April.

The Malt Bill, the Land Tax Bill, and twelve other public and private bills, received the Royal assent by commission. The Lords Commissioners who sat in their robes, were the Archbishop of Canterbury, the Lord Chancellor, and Lord Sydney.

As soon as the Lords Commissioners were unrobed, and the House resumed,

The Lord Chamberlain acquainted the House, "That His Majesty had appointed Thursday, the 23d of this instant April, to be observed as a day of public thanksgiving to Almighty God, for that signal interposition of his good Providence, which had removed from His Majesty the late illness with which he had been afflicted; and, for the greater solemnity of that day, His Majesty would go to St. Paul's to return thanks to Almighty God for the great mercy which had been extended to him."

It was moved, "That this House do attend His Majesty to St. Paul's on Thursday, the 23d instant, being the day appointed for a general thanksgiving."

"A motion was then made, "That Sir William Chambers, His Majesty's Surveyor, do prepare convenient places in St. Paul's on the day of thanksgiving, for the Lords not to be mixed with others, and that he do attend this House on Monday se'nnight, to give an account of what he hath done in the premises."

The House adjourned.

Wednesday, 22d April.

The Duke of Norfolk having signified his intention of proposing that the Lords should appear in St. Paul's Church upon the thanksgiving day, in their robes, the Duke of Cumberland asked the Lord Chancellor to what determination the House had come? and being told that there was no motion before the House, the Duke of Norfolk then observed that he would make the motion, and immediately moved, "That the Lords do attend His Majesty on the 23d instant, at St. Paul's, in their robes."

The Lord Chancellor remarked, that the House had gone by precedent relative to the several steps proper to be taken upon an occasion like the present; and, though it was true that in Queen Anne's time the Lords went in their robes, yet

yet he could, with certainty, say, that His Majesty would be better pleased that their Lordships should go unrobed.

The question was then put, and carried in the negative.

The Duke of Norfolk then moved to have it entered on the journals of the House, "That upon this occasion it was
" not thought necessary for the Lords to appear in their
" robes."

The motion was withdrawn.

As was the proposition of the Duke that the Heralds might call over the names of the Lords as they went into the choir.

The House adjourned.

Monday, 18th May.

The order of the day being read,

Earl Stanhope. Earl Stanhope rose, and after the prefatory remark that those Peers who had been present when the Regency Bill was in agitation, might recollect his having stated to the House, that there were laws respecting religion upon the statute book still unrepealed, which were a disgrace to the country, and to the good sense of Parliament, said that he should beg leave to state to their Lordships about one-tenth part of the absurd Ecclesiastical laws of this country, being convinced that that tenth part would prove more than sufficient to induce the House to adopt the bill which he designed to propose, and which was, "A bill for relieving members of the church of
" England from sundry penalties and disabilities, to which,
" by the laws now in force, they may be liable, and for ex-
" tending freedom in matters of religion to all persons, (Pa-
" pists only excepted) and for other purposes therein men-
" tioned."

LAWS ABOUT GOING TO CHURCH.

By the 1st of Eliz c 2, sec. 14, it is enacted that every person is to go to church every Sunday and holiday, or to forfeit twelve pence.

By the 23d of Eliz., c. 1, sec. 5, every person above sixteen, not going to church for a month, to forfeit 20l., and shall in twelve months be bound with two sufficient sureties in 200l., at least, for his good behaviour.

By sec. 11, imprisonment if he cannot pay.

By the 35th of Eliz., c. 1, sec. 1, any person refusing to go to church to be committed till he does go.

By the 3d of James I., c. 4, sec. 11, the 20l. per month (incurred for not going to church) may be refused, though the same be legally tendered, and two parts out of three of all the lands, tenements, and hereditaments of the offender shall be forfeited instead of the said 20l.

By

By sec. 32 and 33, every person is to pay 10l. per month, for every servant, for every visitor, and also for the servant of every visitor, in his or her house, who does not go to church.

By sec. 39, (over and above all this) the Ecclesiastical jurisdiction is reserved to punish all offenders against this act.

Here Earl Stanhope declared that he had felt the utmost satisfaction at having heard, upon a former occasion, the Archbishop of Canterbury, the Bishop of Salisbury, and the present Bishop of St. Asaph, express their disapprobation of those persecuting laws.

It appears (added the Earl) that by the 6th chap. of St. Matthew, v. 5 and 6, Christ, in his incomparable sermon on t' e mount, said unto his disciples, " And when thou prayest, " thou shalt not be as the hypocrites are, for they love to " stand praying in the synagogues, and in the corners of the " streets, that they may be seen by men. Verily, I say unto " you, they have their reward.

" But thou, when thou prayest, enter into thy closet, and " when thou hast shut thy door, pray to thy Father which " is in secret, and thy Father, who seeth in secret, shall re- " ward thee openly." Now suppose that any conscientious person, reading the said text, were to conceive it to be his duty to pray in private, and not to pray in public, and were therefore, upon no occasion, to attend divine service. By the wicked and absurd laws now in force, this conscientious man would become liable to the most cruel consequences.

1st. He is liable to fine to the extent above mentioned.

2d. He is liable to imprisonment.

3d. By the statute of the 35th of Queen Eliz., c. 2, sec. 8, he is obliged to abjure the realm upon oath, and all the dominions thereunto belonging, for ever.

And 4th, By sec. 10. of the same act, if such person shall refuse to make such abjuration, or after such abjuration made, shall neglect to depart, or after having departed he shall come into any of His Majesty's dominions, such person shall be adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

And yet we boast of the tolerant spirit of the laws of England.

Under these laws a person believing all the doctrines of the Church of England is liable to suffer such punishments. And so is a Protestant dissenter, for he cannot receive any relief from the Toleration Act, (of the 1st of William and Mary, c. 18) on account of the stupid proviso contained in the 16th sec. of that act.

And, as a refinement upon cruelty, it is enacted by the 29th of Eliz., c. 6, sec. 1, a son may forfeit his estate, if

settled upon him by his father, upon his (the son's) marriage, or at any other time, in case his father does not go to church, though he himself (the son) does.

And in order to make the law completely vexatious, it is enacted, by the 21st of James 1, c. 4, sec. 5, that any information, suit, or action, against any person or persons for not frequenting divine service, may be laid in any county, at the pleasure of any informer.

Dr. Burn, in his Ecclesiastical Law, vol. 3, p. 129, 4th edition, says, that "He who misses either morning or evening prayer, or goes before the whole service is over, is as much within the statute of the 1st of Eliz., c. 2, sec. 14, as he who is wholly absent."

The act of Parliament extends not only to Sundays (which alone would be sufficiently absurd) but also to feasts and holidays, such as St. John's, St. Thomas's, St. Bartholomew's, St. Peter's, and other Saints' days and festivals, and therefore it is proposed, by the present bill, to repeal laws of such extreme absurdity.

LAWs ABOUT FASTING.

By 5 Eliz. c. 5, sec. 15, it is enacted, that it shall not be lawful to eat any flesh upon any days now usually observed as fish days, or upon any Wednesday now newly limited to be observed as fish day, upon pain that every person offending herein shall forfeit three pound for every time he shall offend; or else suffer three months close imprisonment, without bail or mainprize.

By 5 Eliz. c. 5, sec. 37., it is enacted, that "such persons as have, or hereafter shall have, any lawful licence to eat flesh upon a fish day, shall be bound, by force of this statute, to have, for every one dish of flesh, served to be eaten at their table, one usual dish of sea fish (fresh or salt) to be likewise served at the same table, and to be eaten or spent, without fraud or covin."

From the circumstances of these fasts or feasts being mentioned in the canons of the Church, and in the rubric in the book of Common Prayer, to be observed, it must naturally be supposed, that abstaining from flesh, on these holy days, had something to do with religion; the more so as, by the 2d and 3d Ed. 6, c. 19, sec. 5, the Archbishop of Canterbury was the person to grant licences for the eating of flesh. But it is directly the reverse; for, by the 5th of Eliz., c. 5, sec. 39 and 40, it is enacted as follows:

"And because no manner of persons shall misjudge of the intent of this statute, limiting orders to eat fish, and to forbear eating of flesh; but that the same is purposely intended, and meant politically, for the increase of fishermen and

“ and mariners, and for repairing of port towns and navigation, and not for any superstition to be maintained in the choice of meats: be it enacted, that whosoever shall, by preaching, teaching, writing, or open speech, notify, that any eating of fish, or forbearing of flesh, mentioned in this statute, is of any necessity for the saving of the soul of man, or that it is for the service of God, any otherwise than as other politic laws are and be; that then such persons shall be punished as spreaders of false news are and ought to be.” So that fasting is not a religious duty.

By sec. 19, of the same statute, veal is not to be eaten in the winter months, and no licence (says the statute) shall be given to eat beef “ at any time of the year.”

And it is very remarkable, that the two Archbishops, the Bishops, Archdeacons, and so forth, should (by 2 and 3 Ed. 6, c. 16, sec. 6) have special power given them to execute the laws respecting the eating of fish; although those laws are by that very statute, sec. 1, declared to be no other than a fishmonger's regulation.

These acts of Parliament about eating of fish are now expired; but the eating of meat on improper days is still an ecclesiastical offence. And Lord Coke says (3 Inst. 200) that “ before these acts the eating of flesh on Fridays was punishable in the Ecclesiastical Court; as yet (adds Lord Coke) it is.”

Therefore, it is proposed, by the present bill, that no person shall be sued in any Ecclesiastical Court for eating any kind of meat on any day of fasting or of abstinence.

LAWs ABOUT RITES, EXCOMMUNICATION, &c.

In the 33d article of religion it is said, “ that person, which by open denunciation of the church is rightly cut off from the unity of the church and excommunicated, ought to be taken of the whole multitude of the faithful as an heathen and publican, until he be openly reconciled by penance, and received into the church by a judge that hath authority thereunto.”

And Dr. Burn, in his Ecclesiastical Law, (title Excommunication) says, that “ Excommunicated persons shall be inhibited the commerce and communion of the faithful; and they who communicate with them shall be punished by ecclesiastical censure;” and that by commerce is meant buying or selling, or other interchange of wares or merchandize:” and that “ where a man is excommunicated by the law of Holy Church, and he sueth an action real or personal, the defendant may plead, that he who sueth is excommunicated?” so that no person excommunicated can recover a just debt. Besides which a writ *de excommuni-*

tato capiendo may, in various cases, be issued out against the person excommunicated, who may be arrested thereupon, and kept in prison.

There are various cases in which the said writ may issue, and by the statute of the 5th of Eliz., c. 23, sec. 13, the said writ *de excommunicato capiendo* may be awarded in various cases, and, amongst others, in cases of heresy, or error in matters of religion or doctrine, or incontinency, or for a person refusing to have his child baptized, or for refusing to receive the communion, as received in the church of England, or for refusing to come to divine service.

These Ecclesiastical Courts proceed without the intervention of a jury (that bulwark of English liberty). In the case of Allen Evans, Esquire, (the Dissenter) Lord Mansfield, in his admirable speech in the House of Lords, said: “Conscience is not controllable by human laws, nor amenable to human tribunals. Persecution, or attempts to force conscience, will never produce conviction; and are only calculated to make hypocrites or martyrs. There never was a single instance, (says Lord Mansfield) from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites or modes of worship but upon some positive law. The common law of England, which is only common reason or usage, knows (says Lord Mansfield) of no prosecution for mere opinions.” Persecuting laws (such as those of the 5th of Richard II., sess. 2, c. 5, and the 2d of Henry 4, c. 15, and the 31st of Henry 8, c. 14, &c.) were gradually introduced, and by means of the writ *de hæretico comburendo*, several persons, under pretence of heresy, were burnt. The said writ was taken away by the 29th of Charles 2, chap. 9. But that act contains the following remarkable proviso, videlicet: “Provided always, that nothing in this act shall extend, or be construed, to take away or abridge the jurisdiction of Protestant Archbishops, or Bishops, or any other Judges of any Ecclesiastical Courts, in cases of atheism, blasphemy, heresy, or schism, and other damnable doctrines and opinions, but that they may proceed to punish the same according to the Ecclesiastical laws, by excommunication, deprivation, degradation, and other ecclesiastical censures, not extending to death, in such sort, and no other, as they might have done before the making of this act, any thing in this law contained to the contrary, in any wise notwithstanding.” Observe the words “not extending to death!”

LAW BY WHICH PROTESTANT BISHOPS, &c. MAY
BECOME POPISH RECUSANTS CONVICT.

By the 30th of Charles 2, stat. 2, c. 1, sec. 5 and 6, it is enacted, that every Peer or member of the House of Peers, or Peer of Scotland, or Peer of Ireland, or Member of the House of Commons who shall go to court, without having made the declaration in the said act contained, shall be disabled to hold any office, civil or military, or to sit in Parliament, or to make a proxy in the House of Peers, or to sue or use any action in law, or to prosecute any suit in equity, or to be guardian of any child, or executor, or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit 500l. and be deemed and adjudged a *Popish Recusant Convict*, (that is to say) shall be as excommunicated, shall not come within ten miles of London, and shall not remove above five miles from their habitation in the country.

Many members of the House of Commons, a majority of the House of Lords, and perhaps the whole Bench of Bishops, are liable to these absurd penalties at this moment; and any person who has incurred these penalties is in a very awkward situation; because the act makes it an incurable recusancy, unless cured in the very next term, after such person has been at court.

So that by this law a very singular circumstance has, perhaps, taken place, and the whole Bench of Protestant Bishops may, perhaps, be at this moment *Popish Recusants Convict*. Earl Stanhope added that if he thought that the right reverend and learned Prelates would not support his bill, he might, by means of this absurd law, clear the House of them, and carry the bill through in their absence; for they could not even vote by proxy.

LAWS ABOUT EXPORTING WOMEN, &c.

By the 1st of James 1, c. 4, sec. 8, no woman nor any child under 21 years (except sailors or ship boys, or the apprentice or factor of a merchant) shall be permitted to pass over the seas, (except by licence of the King, or of six or more of the Privy Council, under their hands) on pain that the officer of the port suffering any such to pass, shall forfeit his office, and his goods; and on pain that the owner of the ship carrying any such over sea, without such licence, shall forfeit the ship and tackle; and every master and mariner of the vessel shall forfeit his goods, and be imprisoned for twelve months. By sec. 6, if the person going abroad be under 21 years, he shall forfeit all his lands, goods, money, and estates, in trust for him; and the person (if any) who shall send any such person abroad, shall forfeit 100l. And by sec. 9, one
half

half of all such forfeitures shall be to the King, and the other half to him who shall sue.

It is therefore proposed by the bill to repeal a statute which would disgrace even Hottentots.

CANONS OF THE CHURCH.

The right reverend worthy and religious Prelate, who presides over the Clergy of London, in his letter to them (dated December 15, 1788) describes admirably the character of a true Christian, and of a candidate for holy orders; and consequently, the disposition of mind which every person ought to possess who is actually become a priest.

“ He must (says the Bishop) endeavour to acquire, by meditation, by reflection, by frequent and fervent prayer, that humility and meekness, that self-government and self-denial, that ardent piety and heavenly mindedness, that unblemished sanctity of manners, and evangelical temper of soul, which his Heavenly Master requires at his hands, and which it must be the peculiar business of his life to recommend to others, both by his doctrine and his example.”

These (added Earl Stanhope) are the benign principles of the church at present; let us see what were the principles of the church when the persecuting laws were made.

The 3d canon of the church is, that “ Whosoever shall hereafter affirm that the church of England is not a true and apostolical church, teaching and maintaining the doctrines of the apostles, let him be excommunicated *ipso facto*, and not restored but only by the Archbishop, after his repentance and public revocation of this his wicked error.”

Canon 4. “ Whoever shall affirm that the form of God’s worship in the church of England containeth any thing in it that is repugnant to the scriptures, let him be excommunicated *ipso facto*.”

Canon 5. “ Whoever shall affirm that any of the nine and thirty articles agreed upon in 1562, are, in any part, superstitious or erroneous, or such as he may not, with a good conscience, subscribe unto, let him be excommunicated *ipso facto*.”

(That is to say) let him be, *ipso facto*, disqualified to be a witness, to act as an executor, to buy or to sell, to bring an action for the recovery of a debt, or (if he dies) even to have christian burial.

And by the 65th canon, “ All ordinaries shall carefully see and give order that those who refuse to frequent divine service, or who stand lawfully excommunicate, be in the parish church, at the time of divine service, upon some Sunday,

“ day, denounced and declared excommunicate, that others
 “ may be thereby both admonished to refrain their company
 “ and society, and excited the rather to procure out a writ
 “ *de excommunicato capiendo*, (the consequence of which is
 “ imprisonment) thereby to reduce them into due order
 “ and obedience.”

This is wonderfully like that christian humility and meekness so admirably well described by the respectable and worthy Prelate.

The 115th canon recites that “ The churchwardens are
 “ sworn to present as well the disorders of persons as the
 “ common fame that is spread abroad of them.”

The canon then proceeds, “ We do admonish and exhort
 “ all Judges, both Ecclesiastical and Temporal, (as they regard and reverence the fearful judgement-seat of the Highest Judge) that they admit not in any of their Courts, any
 “ complaint, plea, suit, or suits against any such churchwardens, for making any such presentments, nor against
 “ any such presentments, nor against any Minister for any
 “ presentment that he shall make; all the said presentments
 “ tending to the restraint of shameless impiety; and considering that the rules both of charity and government do
 “ presume, that they did nothing therein of malice, but for
 “ the discharge of their consciences.”

This is an Ecclesiastical Law which would do honour to the Inquisition itself! some of these canons of the church are as absurd as others are wicked and profligate.

The 72d canon is, that “ No minister shall, without the
 “ licence of the Bishop of the diocese, under his hand and
 “ seal, attempt, upon any pretence whatsoever, by fasting
 “ and prayer, to cast out any devil or devils, under pain of
 “ the imputation of imposture, or cosenage, and deposition
 “ from the ministry.”

The 73d canon is, that “ Forasmuch as all conventicles
 “ and secret meetings of priests and ministers have been ever
 “ justly accounted very hurtful to the state of the church,
 “ wherein they live, we do now ordain and constitute, that
 “ no priests or ministers of the Word of God, nor any other
 “ persons, shall meet together in any private house, or elsewhere, to consult upon any matter or course to be taken
 “ by them (or, upon their motion or direction, by any other)
 “ which may any way tend to the impeaching or depraving
 “ of the doctrine of the Church of England, or of the Book
 “ of Common Prayer, or of any part of the government and
 “ discipline now established in the Church of England, under pain of excommunication *ipso facto*.”

So that any of the Bishops themselves would (for instance) be excommunicated *ipso facto* if they were to meet in any
 private

private house, to consult upon the propriety of altering the 72d canon, respecting the devils.

Earl Stanhope here observed, that though the persecuting statutes which he had mentioned were still in force, and most of them in force even against members of the Church of England, yet, he had the pleasure to inform the House, that these Canons of 1603, did not bind either the clergy or the laity, though they were generally supposed to be binding upon the clergy.

In the case of Middleton and Croft (M. 10. Geo. II.) the Court of King's Bench unanimously determined, that the canons of 1603 did not, by their own force and authority, bind the laity.

King James I. in his ratification, under the great seal, of those canons, made by the Convocation of the Clergy, recites, as his authority for ratifying those canons, the statute of 25th Henry VIII. cap. 19. But, when the said statute is examined, it appears, that it gives a different authority from that then exercised by that King; it gives an authority to ratify a revision of old canons, which revision was enacted to be made, not by the Convocation, but by a Committee, half laymen, half clergy: of course, the ratification was null and void in law. Consequently, those canons are not binding either upon the laity or clergy.

And by 13th Charles II. cap. 12. sect. 5. it is said, that that act "shall not be construed to extend to confirm the
" canons of 1640, nor any of them, nor any other eccle-
" siastical laws or canons, not confirmed, allowed, or en-
" acted by Parliament."

Earl Stanhope conceived, that the canons of the Church of 1603, were, therefore, waste paper; but they were extremely useful records, to shew the persecuting spirit and the superstition of those times.

No respect, continued Earl Stanhope, is due to the laws relative to religion on account of their antiquity; for, when we look back into the Statute-book in former times, we find it full of absurdities.

By 18th Edward III. stat. 3. c. 2. it is enacted, "that a
" man marrying two wives or one widow shall be tried for
" bigamy in the Spiritual Court, as in the case of bastardy," so that it was equally penal to marry one widow as to marry two wives.

And Dr. Burn, in his Ecclesiastical Law, says, "Bigamy
" are they who have married two wives or more, or one
" widow."

This act of Edward III. is the same that was wittily called by some of the wags of the Temple, "An act for keeping
" widows at short commons."

By

By 37 Henry VIII. c. 6, Burning only a frame of timber is made felony and death.

And by the same statute, there are four curious offences, by committing any of which any man did then incur one and the same penalty, namely, a penalty of 10l. viz.

1. For cutting out a beast's tongue.
2. For burning a cart.
3. For barking an apple-tree. And
4. For cutting off the ears of any of His Majesty's subjects.

By 1 Edward VI. c. 12, sect. 14, Peers were allowed benefit of clergy, though they could not read.

Admirable legislators, in those days, who could not even read !

There were also various laws made formerly about witches.

And the act of 1 James I. c. 12, was extremely severe against the supposed offence of conjuration, witchcraft, sorcery, and enchantment.

It was by those laws made felony, without benefit of clergy, to invoke or consult with any wicked and evil spirit.

Or to covenant with, employ, or reward any goblins, hobgoblins, and so forth.

It was also felony and death to make use of conjuration to kill any person, or to raise dead bodies from their graves, for the purposes of charm, witchcraft, sorcery, or enchantment.

It was also made highly penal to use sorcery, in order to discover hidden treasures, or to restore stolen goods, or to hurt any beast, or to use sorcery to provoke unlawful love !

There was also another curious offence, which was the entertaining or feeding any evil spirit, and it was made felony, without benefit of clergy, to feed any of these evil or wicked spirits, either with animal or vegetable food !

These laws prove the folly and superstition of those times. And it is one of the most remarkable and striking facts in the whole English history, that the canons of the Church, the law against exporting women, the law to make a man forfeit two-thirds of his estate, for not attending divine service, and this famous law about witches, were all made within three years of the same time ; and in the beginning of the reign of that beast and bigot King James the First.

It was indeed a very fit and a very proper time to make laws to imprison men for not going to church, when laws were making against the use of dead bodies in enchantments, or against the use of sorcery or witchcraft to provoke unlawful love !

And it was indeed a very fit and a very proper time to enact laws to deprive men of their property for not attending divine service, when laws were making against invoking goblins and hobgoblins, and against feeding any evil or wicked spirits either with fish, flesh, or vegetables!

These laws about witches were not repealed till the ninth year of George II. and well would it have been, if the rest of this despicable rubbish had been swept away at the same time. And that is what is now proposed.

In the treaty of navigation and commerce, made between Great Britain and France three years ago, in the fifth article it is expressly stipulated, that “in matters of religion, the
“ subjects of the two Crowns shall enjoy perfect liberty:
“ they shall not be compelled to attend divine service, whether in the churches or elsewhere; but, on the contrary,
“ they shall be permitted, without any molestation, to perform the exercises of their religion in their own houses,
“ and in their own way.”

This is a liberal and an admirable article in the treaty. But how absurd and how scandalous it is, that all English Protestants, without exception, while they live in this country, are by law debarred from that freedom in religion, which, by that treaty, they have a right to enjoy in France, and which also by that treaty, French Papists have a right to enjoy in England!

Free investigation in matters of religion is by various laws prohibited in England; which is, beyond measure, infamous, and very little congenial to the sentiments of some of the most valuable and respectable Bishops of the present age. The present Bishop of Lincoln (Pretyman) in his sermon preached before the House of Lords on the 30th of January last, says, “Those who required a tame submission to the
“ arbitrary commands of secular authority, enjoined the
“ same blind compliance in matters of religious faith and
“ practice; and, on the other hand, those who have been
“ most wisely zealous in the cause of public liberty, have
“ recommended the study of our holy religion, and asserted the right of private judgement; being convinced,
“ that where the spirit of the Lord is, there is liberty.”

Earl Stanhope added, that he entirely agreed with the worthy Prelate in that important principle; and that it was upon that very principle that the whole of his present bill was founded.

His principle was, that no man had any right to oppress another; and that liberty of conscience, freedom of investigation in matters of religion, and the right of private judgement, were the indefeasible and unalienable rights of all mankind; and that it was wholly upon that sacred right of pri-

vate judgement that the Protestant religion itself was founded.

He then read his intended bill through, clause by clause, explaining every part to the House as he proceeded.

The bill enacts, that no person shall in any case be liable to any fine, imprisonment, or other penalty, or to incur any disability whatsoever, or to be sued or prosecuted in any ecclesiastical or other court for not attending divine service, or for keeping or having in his or her house any servant or other person who shall not attend divine service, or who shall be of any religion different from that of the Church of England, or for eating any kind of meat on any day of fasting or of abstinence, or for not conforming to, or for neglecting or refusing to observe the rites and ceremonies of the Church of England, or any of them.

The bill recites, that Almighty God hath created the human mind free; consequently the right of private judgement in matters respecting religion is, and ever must be, the unalienable right of mankind, and, as such, ought always to be holden sacred and inviolable. The bill therefore enacts, that all persons (Papists, on account of their persecuting and dangerous principles, only excepted) shall have free liberty to exercise their religion; and by speaking, writing, printing, and publishing, or by all or any of the said ways or means to investigate religious subjects; and by preaching and teaching to instruct persons in the duties of religion, in such manner as every such person respectively shall judge the most conducive to promote virtue, the happiness of society, and the eternal felicity of mankind.

There are eight provisos in the bill.

1st. That nothing in this act shall extend to give relief to Papists.

Upon this first proviso Earl Stanhope expatiated, concerning what he described as the various abominable, execrable, and dangerous principles of Papists, which made them unsafe citizens of the State. But it was, he said, with particular satisfaction, that he was in the House the other day, when his noble friend near him (Lord Rawdon) presented a petition from persons styling themselves Catholic Dissenters, in which petition those persons utterly disclaimed, reprobated, and protested against the principles of Popery. Therefore it appeared to him just, that the law should some day draw a line of discrimination between the persecuting Papists, and those who publicly and unequivocally disclaim all those abominable and detestable principles.

The second proviso of the bill is, that it shall not repeal any part of the act of 12th and 13th William III. chap. 2.

3d proviso. The bill not to enable any person to hold any office, civil or military, without being duly qualified, as now required by law.

Earl Stanhope disapproved of the act of 13 Cha. II. sec. 2. ch. 1, commonly called the Corporation Act; and of the 25th Cha. II. ch. 2, commonly called the Test Act; and also of the 16th Geo. II. ch. 30, which is the New Test Act, but observed, that he would not propose to repeal them by this bill, however much he disliked those laws.

He recommended to their Lordships to read one of the best written pamphlets of the present age, intituled, "The Right of Protestant Dissenters to a complete toleration asserted." *

4th proviso. The bill not to extend to ministers of the Church of England, or persons officiating as such.

5th and 6th provisos. Persons encouraging vice or immorality, or exciting others to disturb the peace, to be punished.

7th proviso. This act not to authorize any person to preach or perform any religious ceremony, except only in a private house, until the place of such preaching or ceremony be certified.

8th proviso. The act not to make valid any marriage which would not have been valid before the passing of the act.

The bill then repeals the laws against exporting women and children, and the laws by which Protestant Bishops may be made Popish recusants convict.

In conclusion, Earl Stanhope remarked, that he might be justly accused of doing too little, but that no man could justly accuse him of doing too much; and that laws not fit to be executed ought to be repealed. The laws which he had mentioned might be enforced not only by the Church, but by a common informer. And he produced above thirty cases in which the persecuting laws respecting religion, had been enforced within the last six-and-twenty years.

Some of these cases related to Catholics, and others to Protestant Dissenters. How shocking and disgusting it was to read, amongst those cases, that poor men's tables, chairs, deal shelves, pewter dishes, bolsters and beds, had been sold by public auction, in order to pay the penalties for not going to church. Others of these laws had been enforced within the last ten years, and some within the last twelve months. No later than yesterday, he received a letter, inclosing the case of a Protestant Dissenter, who had been presented under the laws of recusancy this very year.

The bill was then read a first time, and ordered to be printed.

The House then adjourned.

Friday, 22d May.

Viscount Stormont rising, observed, that his principal motive for desiring permission to trespass upon the attention of their Lordships, was, that he might embrace the first opportunity of asking Ministers a single question relative to the treaty with the King of Prussia, alluded to by His Majesty in the speech delivered in his name on opening the session of Parliament, and since laid upon the table by the noble Secretary of State, whom he was happy to see in his place. The question he wished to receive an answer to was, whether the paper upon the table, entitled, “ Copy of a defensive treaty “ between His Majesty George the Third, King of Great “ Britain, and the King of Prussia,” stated the whole of the engagements into which His Majesty had entered with the King of Prussia, or not? The reason of his thinking it his duty to put this question to the noble Duke (of Leeds) was, the prevalence of certain rumours both at home and abroad, according to which, His Majesty had entered into other engagements varying in their principle, and totally changing the character, tendency, and condition of the treaty on the table, and converting what was in name a defensive treaty, into a treaty of a very opposite nature and effect. Such rumours, Viscount Stormont stated to be likely to produce consequences highly detrimental to the interests of Great Britain if suffered to gain credit, and if not contradicted in a manner likely to carry with it an adequate degree of weight and authority. It was, he well knew, in the discretion of His Majesty’s Ministers to lay any papers of the nature of that upon the table before Parliament; but, when they used His Majesty’s name, and declared that they had his commands for laying the copy of a treaty before Parliament, in pursuance of a declaration in His Majesty’s speech on opening the session, they were bound to lay the whole of the treaty before both Houses, and not to withhold any part of it, much less those parts which materially altered the whole of its purport and effect. The reason of this duty to Ministers was so obvious, that it was unnecessary for him to detain the House by enlarging upon it. No paper of public importance was submitted to Parliament with any other view, than for Parliament to form an opinion concerning it, and unless the whole of the treaty was submitted to the consideration of the two Houses, how was it possible for Parliament to form an idea respecting its advantages and disadvantages? The noble Duke, from what he had stated, would, he presumed, be under very little

little difficulty in giving him an answer to his question. If the copy of the treaty with the King of Prussia did contain the whole of the engagements entered into between Great Britain and Prussia, and the treaty was a defensive treaty, properly so called, the noble Duke's answer would be short and easy, and there would be an end at once of the mischiefs which he dreaded. If, on the other hand, it should turn out that other engagements had been entered into between His Majesty and the King of Prussia; engagements which varied essentially from the general complexion of the treaty on the table, and changed that, which was in name a defensive treaty, into a treaty offensive in its immediate effect, and likely to involve this country in an actual and speedy war, much more would remain to be said, both as to the conduct of Ministers in having advised such a treaty, and in their disrespect of Parliament, in laying upon their table a mutilated, imperfect, incomplete, and fallacious copy of a paper, when they had it in command from His Majesty to submit the copy of the treaty entered into between His Majesty and the King of Prussia; and under such a command they were bound to lay the whole of it before the House.

It remained for him to say a few words as to the point of order, with regard to the manner of his calling for an answer to the question that he had stated. There were, as their Lordships well knew, two parliamentary modes of obtaining information respecting great and important public considerations. The one was, when the House thought proper, by address to His Majesty, to call for particular information to be laid before them. When that mode was adopted, it generally answered the end. But it was not always necessary to resort to it. Individual Peers, as Members of Parliament, were not under the necessity of going through the formality of addressing the Crown, but had a right to put questions to Ministers in their places, wherever the occasion appeared to justify such personal appeals, and it remained for Ministers to exercise their own judgement and discretion, and answer or not, as they thought most adviseable. This right their Lordships derived from the circumstance of their being hereditary counsellors of the Crown. Thence it was, that every one of their Lordships had a right to solicit, what no one of them was intitled to command. That putting questions to Ministers by individuals, was a practice consonant to the usage of Parliament, there had been so many instances, that it was altogether unnecessary for him either to dwell upon or to repeat those instances. Many questions of the kind had been put to Ministers by individual Members of Parliament, and that they had often been answered satisfactorily, was a fact beyond dispute. There were many noble Lords in the House,

House, who had been present when Ministers, during the late war, had been asked, what was meant by the Spanish armament which had, at a particular period, put to sea? On that occasion, his late noble friend, (the Earl of Rochford) without the smallest difficulty, had risen and said, that though the appearance of such an armament in the neighbouring seas was alarming, their Lordships might rest assured that this country had nothing to fear from it, the object of the Spanish armament being to go against Algiers; a declaration which the event fully justified. There were also noble Lords present, who might remember several questions which had been put to Ministers, while he was necessarily absent, being engaged at a foreign Court at the time, and similar questions had been stated after his return to England, all of them relative to the American war, and to the conduct of foreign powers who had taken a part against Great Britain, the most unprovoked that ever one country took against another. Those were questions of general policy; there was, however, a wide distinction between them and the question which he had just stated. The last was of a very different nature. The question which he had put to the noble Duke related to a paper actually on the table, which either he or any other individual Peer could bring under consideration, whenever they thought proper to make a motion for that purpose. Viscount Stormont repeated his question, in order to have it clearly understood, declaring that he would no longer detain their Lordships at present, but would hope for their indulgence, if occasion should require him to rise again and trouble their Lordships farther.

The Duke of *Leeds*, having premised that the noble Vis- Duke of Leeds
count had, with very great propriety, termed what had passed a conversation, declared, that the part which he should take in that conversation would be extremely short, and he should have been sorry if a question so irregular as that stated by the noble Viscount, could have been made the subject of debate. He was the more astonished that such a question could have come from a noble Peer, who had been understood to set himself up as the oracle of every thing which concerned diplomatic duty and etiquette. Had the noble Viscount been himself in office, and such a question had been put to him, he was persuaded that the noble Viscount would have reprobated it, and treated it with the disdain which was due to it. He felt it to be right to give the question of the noble Viscount no answer whatever; and the noble Viscount well knew, that in so treating it, he did no more than his duty required. By His Majesty's command, he had laid the paper on the table, purporting to be a copy of the defensive treaty entered into by His Majesty and the King of Prussia. The

The House, he was aware, were perfectly competent to take that paper into consideration whenever they thought proper; and if upon discussion and examination it should be found to contain any point dangerous to the interests of Great Britain, those who had advised the measure were ready and willing to become responsible.

Viscount
Stormont.

Viscount Stormont begged leave to assure the noble Duke, that he pretended not to any superior importance from the line of life into which he had accidentally happened to have fallen. He had lived some years in the world, and he might be supposed not to have lived altogether without observation; he had also sat in Parliament for a long time, and thence had acquired some little knowledge of parliamentary business. On the ground of those acquirements he stood not only in the present occasion but on every other. The doctrines of Ministers, that day, were altogether unparliamentary, and there had been times when Parliament would not have endured them. With regard to the treaty on the table, from the answer, or rather the silence, of the noble Duke, his fears that the rumours prevalent abroad were true, had increased: *dum tacent, clamant*. It was highly disrespectful to Parliament to treat the House in that manner. His Majesty's name had been made use of, and it had been stated in the speech, on the opening of the session, that His Majesty had entered into a defensive treaty with the King of Prussia. The House had a right to know the whole of the treaty, whether it was a defensive treaty, properly so called, or whether there were other articles varying in principle and effect from the treaty, the copy of which lay on the table. Ministers were bound to lay the whole before Parliament, or none; because, otherwise, they furnished Parliament with an illusory paper, calculated not to inform but to mislead them. Viscount Stormont entered into a discussion of the nature of the power possessed by Parliament over treaties; if it were a subsidiary treaty, and they disapproved of its conditions, by refusing to enable His Majesty to fulfil them, they could virtually rescind it. He thanked Heaven that there was another sort of treaty, over which they had no control of that nature. It was not fit that they should have any. But, even there, if they did not approve the terms of the treaty, they could address the Crown to know who were His Majesty's advisers, and thus enable themselves to pass a censure on those Ministers who gave evil advice to their Sovereign. The doctrines of Ministers, as to the construction of treaties, as exemplified in the present case, were most extraordinary. Having described the facts to be an engagement with Prussia and Holland, in case Denmark did not consent to withhold her stipulated succours from Russia, to furnish Sweden with

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a certain number of troops upon demand, Viscount Stormont hinted, that one condition was, that in case a mediation was tendered to, and refused by, the party attacked, they became suddenly the aggressor. This was, most absurdly, contrary to every principle of politics, hitherto made the ground and rule of treaties. After dwelling on what he stated to be a singular novelty, he took a view of the different interests of Great Britain, and the powers at war in the North. Sweden, he described as the favourite of the day, and Sweden, he said, he had ever considered as the natural ally of France; an ally constantly subsidized by her. Denmark had never done any thing adverse to the interests of Great Britain, and yet we took part against her. Russia was our natural ally, and though a country might not always have it in her power to effect a reconciliation with her natural ally, it was always her interest not to do any thing to widen the breach, and render reconciliation more difficult. He was ever ready to give Ministers credit, when they merited it. They were intitled to praise for rescuing Holland out of the arms of France, and they did wisely in making use of their ally, the King of Prussia, for that purpose. But they ought to lead Prussia, instead of suffering Prussia to draw them into a connection engaged in actual war. He asked whether the granting France the port of Gottenburg, at the end of the American war, thereby giving her the command of stores, and enabling her to refit her navy at a northern port, adjoining to the mouth of the Baltic, was the peculiar mark of Sweden's predilection for this country, which intitled her to be now considered by Great Britain with such partiality? He declared, that he could not but admire the felicity of France. He envied not France her great and powerful resources; he envied her not her able and accomplished Minister. The King of France had a right to the benefit of his own choice. He could patiently look on her embarrassments with that sort of philosophy with which France would, doubtless, contemplate our difficulties; but what he envied was, the singular good fortune of France, in having her natural ally supported and assisted by her natural foe, when she could not herself either assist or support her. In the present case, looking to future events, there was a common interest between France and Great Britain, in getting Sweden, and though there was some odium, some difficulty, and some expence in the business, Great Britain stood forth with a degree of unexampled spirit, and desired to bear the odium and the burden of the whole.

The *Lord Chancellor* observed, that if the noble Viscount's *Ld. Chancellor* doctrine, that the whole of all treaties must be submitted to Parliament, were once established, no treaty with secret articles

ticles could be entered into. He was proceeding to state the various instances of such treaties having been entered into by Great Britain, when he was set right by Viscount Stormont, who said, his objection was, that the articles withheld from Parliament varied the whole sense and effect of the copy of the treaty produced, and not that they were secret articles. The Lord Chancellor resumed his argument, and remarked, that undoubtedly the position was somewhat changed; he now understood the noble Viscount to allude merely to such secret articles of a treaty as were founded in contrariant principles to those of the public treaty. He mentioned the case in 1743, when a motion for an address to the Crown had been made on the subject of a treaty, and negatived. The same, he was persuaded, would have been the case in the present instance, because the noble Viscount's question was the most pointedly, distinctly, and obviously irregular question, that ever had been put to a Secretary of State in Parliament, and if the noble Duke had answered it, he would have been guilty of an high misdemeanor. It was the bounden duty of a Secretary of State to disclose no more of the affairs of the executive Government of His Majesty, than he had it in His Majesty's command to state to the House. If the question had been less exceptionable, and the noble Secretary of State had been disposed to favour the noble Viscount, on the present occasion, to a singular extent, all he could have done would have been to have declared that he would ask His Majesty's permission to be allowed to answer the question. Extreme caution was necessary to be observed in the conduct and management of all negotiations tending to forward a great political measure, which the peculiar circumstances of the times might render an object of importance; and which might not be the less so, though it might tend to create a new balance of power in the North. He was without the power, even if he had the inclination, to oblige the noble Viscount, by a disclosure of the events to which he had alluded; but, without hazard of any thing but his own judgement, he might venture to allude, hypothetically, to the politics of the North, and to put the case, if matters were circumstanced in such peculiar predicaments, what the probable consequences were, which might be expected, and how the expectation of those consequences ought to operate upon the conduct of this country, or any other of the southern states of Europe. He here took a view of the present situation of affairs in the North, and observed, that there had been States, the policy of which was so refined in practice, that their Ministers had thought, for the sake of attaining their end, it was justifiable to corrupt the magistrates of their enemies, and to bribe their armies and their leaders. Those arts were not now necessary

cessary to be resorted to; but there were some statesmen so crafty, that they would find means to get hold of men to use them as instruments to feel the pulse of the public on great questions, when they might wish to know beforehand how they would be taken. The higher and more respectable the characters thus worked upon, the better the end of the secret principles would be answered. Various might be the means resorted to for this purpose. A paragraph might be first sent to the newspaper of a particular complexion, that might be made the ground-work of others, written on both sides the question.

Other plans of furthering the object might be pursued, till the rumour by these causes gathering strength might impress the minds of men, who, not aware of the consequences, might introduce it into the Houses of Parliament, and thus in a moment of unguardedness the aim of those with whom the whole scheme originated might be answered. Certain he was that no Member of either House would knowingly become the dupe of such practices, or act as the instrument of the plan wittingly in the first instance, but through the medium of an acquaintance with foreign Ministers, from an idea that they were more conversant in the affairs of Europe than other men, or from some other accidental circumstance, they might be made the instruments in question. The Lord Chancellor took notice of the doctrines with regard to the construction of treaties, which the noble Viscount had imagined His Majesty's Ministers disposed to entertain, and assured the noble Viscount that his speculations on that head were all founded in groundless information. Before he sat down, he spoke of the gratitude of courts, and said, the noble Viscount (he should have supposed) from his own experience, must have known how little the gratitude of courts was to be depended upon when the political interest of the day counteracted it. The cement of connection, even when founded upon subsidies, had often proved so rotten; that it would hold together no longer than the regular payment of subsidies. With regard to Russia he declared he was as anxious as the noble Viscount to obtain an alliance with the court of Petersburg, but what was most desirable was not always to be attained, even by courtship, on fair and honourable terms, and therefore wise states must resort to that line of conduct most likely to conduce to attain their object.

Viscount *Stormont* answered, that the argument of the noble Viscount and learned Lord did not apply to the case of the Prussian *Stormont* treaty. What he complained of was not that secret articles had been kept back from Parliament, as the noble and learned Lord had at first imagined, but that the articles withheld varied so much in sense and effect from the treaty on the table,

table, that they totally changed its nature, and therefore a delusion was thrown out to Parliament, who were called upon to form an opinion upon a matter, the most essential parts of which were not before them. With regard to the noble and learned Lord's insinuation, it had not been immediately pointed at him; he knew the characters of several of the foreign Ministers to be most respectable; but the fact was, he had not the honour of being in habits with foreign Ministers, or deriving communications from them. If he had that happiness, he should be proud of standing up in that House on the ground of such communications, and not be in the smallest degree afraid of being considered as an instrument of others. The same mistake, and the same sort of insinuation, had been made respecting him, in debate, when the Portugal treaty was under consideration. At that time, as at present, he had no connection with foreign Ministers. The noble and learned Lord had remarked, that the ingratitude of courts was not to be depended on, when weighed in the scale against their political interests. As a general maxim, he admitted the truth of the observation, so considered, the gratitude of courts was not to be relied on. But, if there was any thing that could bind men who wore crowns, it was one Sovereign having been enabled by another to gratify a darling instance of personal ambition. That favour France had conferred on Sweden, and he could not but conceive that it would be long remembered. The noble and learned Lord had declared that he wished, as anxiously as any man, that Great Britain could regain her connection with Russia, her natural ally; but had said, that courtship and solicitation were not always the most ready and effectual means of obtaining an alliance the most to be desired. Undoubtedly not; but surely, to widen the breach, and render reconciliation the more difficult, was, under such a predicament, neither wise nor politic. To compare great things with small, and to look so low as private life for an example: when any man quarrelled with his natural friend, and wished to renew his friendship, though he might know that servility and courting were not the most adviseable means of regaining his friend's esteem, would he turn his back upon his friend, and join his natural enemy against him? He surely would be wiser than to act so mad a part. After again going over his former arguments, reprobating the new engagements, which, he said, there was every reason to believe Ministers had entered into, and quoting the President Montesquieu to prove, that British Ministers had less occasion to act indirectly, than Ministers of any other court in Europe; and thence inferring, that it was the more scandalous for them to take part in the cause

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in which they had embarked, Viscount Stormont concluded his remarks.

The House adjourned.

Tuesday, 9th June.

His Majesty came in state to the House, and being, in his Royal robes, seated on the throne, with the usual solemnity, Sir Francis Molyneux, Gentleman Usher of the Black Rod, was sent with a message from His Majesty to the House of Commons, commanding their attendance in the House of Peers.

As soon as the new Speaker, (Mr. Addington) with the Commons, came to the bar, he addressed His Majesty, stating that he had it in command from the Commons of England to inform His Majesty, that they had done him the honour to elect him the Speaker of their House of Parliament, and declaring that anxious as he was to endeavour to justify their choice, he could not help expressing great distrust of the extent of his own abilities, which he feared would not prove adequate to the discharge of the duties of the high and important office to which he had been elected.

The Lord Chancellor declared His Majesty's approbation of the proceedings of the House of Commons in the election of a new Speaker, and of their choice, presaging, from the proper diffidence of the gentleman elected, the happiest prospect of his proving fully competent to the duties of his office, and not doubting but he would be able to discharge them with honour to himself, advantage to the House of Commons, and credit to the country.

The new Speaker again addressed His Majesty, expressing in a most respectful manner the grateful sense which he entertained of the high honour conferred upon him by His Majesty's most gracious approbation of the choice of the House of Commons; and he assured His Majesty, that he should consider his unremitting efforts to support the forms of Parliament, and the rights and privileges of the House, which were the ancient and necessary bulwarks of the Constitution, as the best return he could make for His Majesty's condescension. Mr. Addington added other expressions suitable to the occasion.

His Majesty was then pleased to retire, and the Commons withdrew.

The order of the day took place for the second reading of the bill, intitled, "An act for relieving the Members of the Church of England from sundry heavy penalties and disabilities, to which, by the laws now in force, they may be liable, and for extending freedom in matters of religion
" to

“ to all persons, Papists only excepted, and for other purposes therein mentioned.”

Abp. of
Canter-
bury.

The Archbishop of *Canterbury* confined his observations chiefly to the first clause for repealing the penalties imposed by law on persons not going to church, and to the second, authorizing free liberty to all persons, Papists alone excepted, to exercise their religion, and by speaking, writing, printing, or publishing, or by all or any of the said ways and means, to investigate religious subjects, and by preaching and teaching to instruct persons in the duties of religion in such manner as every such person shall judge most conducive to promote virtue, the happiness of society, and the eternal felicity of mankind. He remarked, that the words of it were so broad, that they would serve to cover every species of irreligion, and to countenance every effort to disgrace Christianity. He pointed it out as a singular circumstance, that the word Christianity was never once introduced in the whole clause; and contended, that the very foundations of the religion by law established might be undermined and overthrown under the indefinite licentiousness which the clause might be construed to sanction. He put a variety of questions, to illustrate the dangerous looseness of the wording of the clause, and to shew that there was an essential difference, and a wide distinction between free investigation and the propagation of such opinions as might be the result of such investigation. As the law stood at present, every man was at full liberty to investigate religious topics; but he contended, that if unrestrained speaking, writing, printing, and publishing of religious opinions, were permitted, there was scarcely a mischief to the Church, or to civil society, that imagination could form an idea of, which might not be effected. If the enemy of Christianity might be at liberty to propagate his pernicious arguments, grounded in error and coloured with consummate art, what impression might they not make on the ignorant and lower ranks of mankind? If a man should entertain so unfortunate an opinion as the disbelief of the existence of a God, and should imagine that God's being was a mere fiction, and if he were sincere in this unfortunate opinion, was he, under the wording of the present clause, to be at liberty to disseminate so dangerous and uncomfortable a doctrine? Suppose another were to profess himself a strong admirer of morality, but an enemy to all religion, was he to be allowed to spread abroad such profession? Let their Lordships recollect, that it was the common artifice of the Atheists of old, to resort to that mode of imposition on the minds of the bulk of mankind, and it was but too obvious that there were many who might be deluded by such sophistry. The Archbishop entered much at large into the discus-
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sion of the danger which might result from suffering men whether they acted from motives truly conscientious, or from fraud and intended fallacy, to disseminate doctrines and opinions, the propagation of which must necessarily tend to weaken the credit of the Christian religion, to endanger the security of the established Church, and to divide and distract the sentiments and minds of mankind in general upon subjects the most serious and the most important; subjects upon which the tranquillity, happiness, and safety of society essentially depended. In the course of his speech, the Archbishop referred to the conduct of our ancestors with respect to these subjects, and shewed that they had uniformly acted upon principles of prudence, and of necessary caution against obvious danger. He instanced the prosecution of a Member of Sidney College, Cambridge, (to be found in Sir John Strange's Reports) who had been convicted of blasphemy, in a discussion of the miracles of our Saviour, which, under a pretence of arguing for the honour of Christianity, and in defence of the Protestant religion, he had chosen to treat with the highest degree of ridicule. In that case the offender was fined twenty-five pounds, imprisoned for a year, and obliged to find security for his good behaviour for life. The Archbishop added, that he might have been justified, had he foreborne to touch upon the clauses of the bill, and contented himself solely with adverting to its principle, and objecting to the repeal of so many statutes, without even a specific reference to their titles and descriptions, which he considered to be a mode equally unparliamentary and improper. If the Atheist were to be allowed to defend his atheism by argument, he saw no reason why the thief might not be permitted to reason in behalf of theft, the burglarer of burglary, the seducer of seduction, the murderer of murder, and the traitor of treason. Therefore, although he was ready to allow, that there were on the Statute books some acts of Parliament of a persecuting spirit in matters of religion, which had better be repealed, and as willing as any man to agree to their repeal, he could not but profess himself to be against the present bill's proceeding any farther.

The Bishop of *Bangor* (Dr. Warren) rose next, and, in Bishop of
Bangor. the first place, considered the relief which this bill proposed to give members of the Church of England, from the penalties to which they were liable by certain laws now in force, and with this view observed, that all the statutes in the time of Queen Elizabeth and James the First, which required persons to attend the public service of the church, on certain pains and penalties, were entirely levelled at Papists, and, accordingly, very few prosecutions were to be found against any members of the Church of England. He then remarked, that

that when the Act of Toleration passed, the same care was taken to oblige all persons to attend public worship on Sundays, either at church, or some Protestant meeting, and concluded from thence, that even at the Revolution, a period so friendly to religious liberty, this restraint was not considered as inconsistent with the rights of private judgement. He then remarked, that it was left to these days of licentiousness to call in question the propriety and wisdom of these laws, which obliged persons to frequent some place of public worship on Sundays. The Bishop then proceeded to defend these laws, and, on this occasion, observed, that it was the indispensable duty of every man to worship God in the church. He mentioned various heads of argument, by which this duty could be proved; but such topics being more fit for the schools than a debate in the House of Parliament, he imagined that he might take it for granted, that to worship God in public was the indispensable duty of every man. The Bishop then enumerated some of the advantages arising from public worship, and observed, that as all men were obliged to worship God in public, so all men had a right to assemble publicly for this purpose, and to be protected by the magistrates, as long as they held no doctrines which tended to disturb the civil state; and when the magistrates went thus far, it was natural for him to go one step farther, and provide that public worship should not only be properly performed, but duly attended, by obliging all persons to resort to some place of public worship on Sundays.

The Bishop then observed, that he should be told that this mode of compulsion was inconsistent with that freedom of judgement, which every man has a right to exercise in matters of religion; and to this objection he replied, by remarking, that in the present case there was no force on the private judgement of any man, as no man in this country could be compelled to attend any public worship, but what he himself can conscientiously join in, since he who cannot communicate with the established church, may resort to any of the congregations of the Protestant Dissenters, and he that cannot communicate with either, may well be supposed to hold doctrines which are contrary to the interests of the civil state, and, as such, not fit to be tolerated.

The Bishop commented on some other parts of the bill, and proceeded to consider, in the second place, that part which extended freedom in matters of religion to all persons, Papists excepted. Here he said, that the bill gave such a latitude in speaking, preaching, writing, printing, and publishing, on all religious subjects, that it verbally repealed all the laws now in force against infidelity, profaneness, and blasphemy, and in particular the statute of the 9th and 10th

of William, for the suppression of blasphemy. He then farther remarked, that this statute of William was almost the only law by which impious opinions could be punished; and that this would be useless, and of no effect, were the bill now under consideration to pass into a law. He then observed, that there was no room to complain of too great restraint being laid on private judgement in matters of religion in this country; and after this, proceeded to shew that all the restraints had been long taken off, such as the writ *De Hæretico comburiendo*, the Schism and Conformity Acts, &c. &c. and he concluded that there existed no restraint now on private judgement in matters of religion, as long as men conducted themselves with good order and decency; but that good order and decency could not exist, unless the statute of William, or some law of that kind, were suffered to remain on our statute book. The Bishop then described the disorder and confusion which would instantly ensue, were this bill to pass; and, on this occasion, alluded to a chapel, which was opened many years ago, in the east part of the town, where a clergyman of the name of Henley publicly preached blasphemy for many years together; and so tender were our courts of pronouncing a determination which might bear hard on private judgement in matters of religion, that many attempts were made to suppress this chapel, and at length it was effected. The Bishop added, that were the latitude given, proposed by this bill, we should have a chapel of this sort in every street.

After this, the Bishop asked leave to digress a little from the subject of this bill, in order to give an answer to what the noble patron of this bill had said concerning the canons of 1603, as if they had no authority to bind the clergy. This the Bishop did very briefly, by observing, that no canons can have authority in this country, unless the Convocation is summoned to sit, by the King's writ, and proceeds to make canons by his express order, and then the canons must have the Royal assent. These points, he observed, were settled by the 25th of Henry the Eighth, chap. 19; and as the canons of 1603 were made, in all respects, conformable to this statute, they were certainly binding on the clergy at the time when they were made. The act which took away the High Commission Court, took away also the ecclesiastical jurisdiction from the Archbishops and Bishops, and the operation of these canons being suspended by these means, some have imagined that they were repealed thereby; and supposing this to be the case, yet, as this act, which abolished the Ecclesiastical Court, was repealed by an act of Charles the Second, the Ecclesiastical Court recovered its authority, and, together with it, the canons.

Bishop of St. Asaph. The Bishop of *St. Asaph* (Dr. Halifax) declared, that he felt it his indispensable duty to rescue the canons of the church from the harsh construction put upon them by the noble Earl; and he contended that the noble Earl's arguments were grounded in a misconception of their purport and tendency. He admitted that the laity were not bound by those canons, but asserted that the clergy were, and assigned a variety of reasons in proof of his assertion. After giving an answer to the whole of Earl Stanhope's speech on Monday the 18th of May, he adverted to the great danger of innovation in matters of serious importance, and after descanting on the danger of an hasty repeal of a long catalogue of statutes, all from their import passed at the time with very full and mature consideration, stated, that amongst the Locrians, if any man proposed a new law, with a view to alter and annul the existing law of the country, he was obliged to have a rope round his neck, when he ventured to bring forward his proposition.

Bp. of St. David's. The Bishop of *St. David's* (Dr. Horsley) began his speech with acknowledging, that at that day laws existed which bore no credit to the spirit of the times in which they were made; that some acts of Parliament were on the statute book which did not merit to be there, and that laws breathing such a spirit of persecution, would always appear inconsistent with a mild religion which we professed. He was ready also to declare, that the peace of the present day, the dormancy of religious oppression, the moderate temper of the times, and the natural conclusion, that the statutes complained of were unlikely to be enforced, in his mind, formed no reason why they should be suffered to remain. It was sufficient ground for their repeal, that they might be executed, whether they were actually executed or not. They were weapons lying loose on the ground, and scattered about, which the fiercest persecution might catch up and use to a deadly purpose. His opinion, therefore, was, that notwithstanding the damage religious tyranny sat at this time fullen, silent, and abated, conscious that there did not exist in the Church an individual who was not hand and heart her enemy, she ought to be disarmed, and to have her chains riveted. This was his true and unreserved opinion; he could not, nevertheless, but assent to the bill, because he thought, were it to pass into law, it would rudely tear up the foundations of the Church of England, and as the destruction of an ally must naturally affect the interests and existence of the principal, it must tend to destroy the very being of the English Constitution. The Bishop proceeded to treat of the various penalties imposed by ancient statutes on persons not going to church regularly on Sundays and saints' days, which formed the subject matter of the first clause of the bill, and said, he was

to confess, the manners of the present times did not sanction such severity; but still he thought there were salvos, which at this day would be admitted to be sufficient excuses, provided by the statute itself, for not complying with the conditions of the statute. He would not, for instance, defend the penalty of twenty pounds per month upon those who do not go regularly to church; and still less did he approve of the act of the 3d of James I.; but the act of Elizabeth, lessening the penalty to one shilling, he commended, because the fine imposed was a fine which he considered as not severe. In illustration of this, he said, that if a law inflicted a penalty less in amount than a man of the lower class would spend, if he did not go to church, it was, in his mind, not a severe law. If those who were labourers did not spend their Sundays in church, and attending divine service, they would spend them in a worse place, and in the exercise of a less useful employment. No man was, as the law stood, obliged to any particular conformity to the established church, but only to the worship of God in some way or other, and that was the necessary duty of the Legislature, for a variety of obvious purposes, to enforce. He agreed perfectly with the noble Earl, "that the right of private judgement in matters respecting religion, is, and ever must be, the unalienable right of mankind, and as such ought always to be holden sacred and inviolable." But then, those rights were not unlimited. There was a clear distinction between the right of conscience and the jurisdiction of a civil magistrate. Every man's conscience might direct him as to religious opinion, and he had an undoubted right to avoid what he thought sinful; but if from motives of conscientious opinion he carried his conscientious sentiments into action, he must answer for his actions. The civil magistrate was governed by the same sort of idea; he had no right to punish a man for avoiding to do what he thought sinful, unless his avoidance injured society. In fact, the magistrate had no right to punish what was merely sinful, but only that which was detrimental to society. The Bishop illustrated this, by putting the case of a man convicted of perjury, an act highly sinful, but not punishable on that account, but punishable only as it brought harm to society. After laying down the distinction between what was conscientiously warrantable, and what the safety of society caused to be constituted and considered as criminal, the Bishop applied the conclusion from the reasoning he had used to the case in point, and thence inferred, that the magistrates had a right to punish Atheism; and by the same rule, a contempt for the revelation of God in the Christian religion. He cited Blackstone, as to the danger of disturbing ancient laws, which, apparently, at a distant period from that in

which they had passed, could not be accounted for. Their wisdom, though not obvious at the period of their repeal, Blackstone observed, was generally evident by the inconvenience which ensued after they were repealed. The Bishop took notice of the construction put upon one of the canons of the church by the noble Earl, and contended, that the noble Earl had wholly mistaken the meaning of the canon in question. Its obvious import was, he said, to supply an answer to the assertion of the Church of Rome, that a layman could not be the head of the Church, and to assert, that the Protestant Church was a true and apostolical Church, notwithstanding that it had a layman at its head.

Earl Stanhope. Earl Stanhope rising next, remarked that, notwithstanding the House had just heard, from the mouth of a right reverend and learned Prelate, that here, as in a certain country, no man should be allowed to propose a law but with a rope about his neck, he meant, when the present question was disposed of, to propose another law immediately against ecclesiastical tyranny; a tyranny so gross and scandalous, that it would disgrace the inquisition. Having said this, he proceeded to defend his bill, and as a justification of the necessity which called for it, he read a canon of the Church respecting the casting out of devils, and another respecting the enforcement of the attendance on religious worship, which ordered, that if a man be bald, and had no hair on his head, so that he was in danger of catching cold, he must, nevertheless, go to church, but he might wear a night-cap. Earl Stanhope now added, that he felt it his duty to return his sincere thanks to the several right reverend and learned Prelates who had spoken on the subject, for the very great trouble they had saved him, those of the reverend bench who had delivered their sentiments, having successively contradicted and refuted the arguments of each other. But with regard to the right reverend and learned Prelate who had spoken last, his argument had been so different from those of the other Bishops, that he merited his particular attention. The right reverend and learned Prelate had argued clearly and ably. He could understand his meaning distinctly, he could ascertain in what they agreed, and knew at a glance the exact point on which they separated. The right reverend and learned Prelate had said, "that there were laws in existence which did no credit to the times in which they were made," and he afterwards said, "that the jurisdiction of the magistrate should be confined not to those things which were merely sinful, but only to such as were injurious to society." He agreed that such was the distinction; and added a variety of other arguments to prove the ecclesiastical law abominable in practice, and that it did not adhere to its

professed maxims of jurisdiction, *pro salute animæ peccatoris*, and he urged the necessity of going into a Committee with the bill, to examine what laws ought to be repealed, and what ought not. He said he wished to shorten the debate, in order to go into one still more important, respecting tythes. Before he sat down, he declared, that his great objection to the laws existing, in regard to religion, was, that he detested compulsion in matters of conscience; and he declared, that he objected to the principle of the laws he wished to see repealed, and not to the extent of the penalties merely. The arguments used that day, reminded him of a bill introduced in the reign of Henry the Seventh, repealing all laws against priests for crimes of every denomination committed by them, and among others, for all rapes committed by men of their order. The argument against the bill had been, that a rape implied compulsion, and compulsion ought always to be considered as reprehensible and punishable, to which the priests answered, that it was a very gentle kind of compulsion to which they had resorted.

Viscount Stormont declared he should be particularly sorry, on the noble Earl's account, to see the ancient practice revived, of obliging the proposer of every new law to have a rope round his neck, when he made the proposition. He next paid some high compliments to the bench of Bishops, declaring that they had that day, in his humble judgement, done themselves infinite credit, and urged arguments which would hold their sacred characters high in the public opinion. He afterwards adverted to the bill before the House, and after complimenting Earl Stanhope on the goodness of his intention, and the general ability with which he brought forward any measure of a public nature, said, he conceived the noble Earl had not looked at the subject with his usual accuracy. The more regular method of bringing so important a topic under discussion, would, in his conception, have been, to have moved for a Committee first to revise the various laws existing relative to toleration, and to have suffered the House to have been guided and governed by their report as to their future proceedings in it.

Earl Stanhope repelled what had been advanced by Viscount Stormont. He said, he was determined to persevere; and if the right reverend bench of Bishops would not suffer him to load away their rubbish by cart-fuls, he would endeavour to carry it away in wheelbarrows, and if that mode of removal was resisted, he would take it, if possible, away with a spade, a little at a time.

The bill was, upon the question, thrown out.

Earl Stanhope afterwards produced another bill, which he offered to present, and which was, "A bill to repeal an act of

“ of the 27th of Henry the Eighth, to prevent vexatious
 “ suits relative to prosecutions for tythes from the Qua-
 “ kers.” After a very short conversation, his Lordship
 agreed to make the motion for presenting the bill on a future
 day.

The Earl, in the course of conversation, said, that in all
 probability his second bill might meet with the same success
 as the first. The Lord Chancellor seemed to nod assent;
 upon which Earl Stanhope replied, “ On another occasion, I
 “ shall teach the noble and learned Lord law, as I have this
 “ day taught the bench of Bishops religion.”

Friday, 26th June.

Earl Stanhope. Earl Stanhope conceived that it might be necessary to ex-
 plain, in some measure, the principle of his intended bill, es-
 pecially as in the end it might be found of essential advantage
 to the community at large, and relieve them from the enor-
 mous burthen of the poor's rates, a burthen which at present
 amounted to millions annually. This bill was to enable those
 who were in situations which rendered their becoming neces-
 sitated probable, to enter into subscriptions for their own re-
 lief; there were a variety of these kinds of societies through-
 out the kingdom already; but it was too frequently found
 when their wants compelled them to make application that
 they had been subscribing to a bubble. To prevent their
 being deceived in future was one object of the bill, and as,
 no doubt, manufacturers and farmers would countenance the
 measure by employing, in preference, those who were mem-
 bers of some one of these societies, there would not be such
 numbers apply to the parish, having a right to be supplied
 from their own fund. He therefore moved for the second
 reading.

Lord Thurlow. Lord Thurlow was dubious whether the bill as it then
 stood would answer all the good purposes which the noble
 Earl expected.

The bill was then read a second time, and ordered to a
 Committee.

The House adjourned.

Friday, 3d July.

The order of the day being read for the second reading of
 the bill to explain and amend the acts of the 7th and 8th of
 William III., 18th George II., and 20th George III., rela-
 tive to County Elections,

Earl Stanhope. Earl Stanhope moved to reject the bill which came from
 the House of Commons.

His first objection was, that it tended to introduce a dan-
 gerous system of fictitious votes by giving a right of voting
 to

to mortgagers in possession, whose freehold did not yield them clear 40s. per annum. And secondly, that it tended to disfranchise half the voters in some counties, and nine out of ten of the voters in other counties.

The Duke of *Norfolk* supported the bill, on the ground that it would shew the necessity of a farther amendment of the law. He added that the County Register Bill of the noble Earl, (Stanhope) which had formerly passed the two Houses, deserved every encomium. Duke of Norfolk.

Earl *Stanhope* remarked that the noble Duke had defended the present bill on the only ground upon which it was possible to be defended, because that it would make an absurd law still more absurd, and thereby induce county Members to amend the whole system. He himself was clearly of opinion that the present system of election laws required great amendment; yet he could not adopt the ingenious method proposed by the noble Duke, to make the election laws so intolerably absurd that no man in the country could bear them, although he admitted that such a mode of legislating might, in the end, produce the desirable effect which the noble Duke intended. Earl Stanhope.

The Lord Chancellor put the question on the bill; and it was rejected without a division.

The order of the day being read for the second reading of the bill “for preventing vexatious proceedings with respect to tythes, dues, or other ecclesiastical or spiritual profit,”

Earl *Stanhope* moved that his bill be committed.

He went at length into the discussion of the principle of the bill, and began by explaining to the House the religious scruples of the Quakers which prevented their paying tythes. It was a scruple recognized by law; for that scruple was recited in the act of the 7th and 8th of William III., chap. 34, sec. 4, and, in consequence thereof, it was enacted that tythes due by Quakers might (if under 10l.) be recovered in a different manner from tythes due by any other persons. After this humane law had passed the manner in which tythes were recovered from Quakers was by application to two justices of the peace, who ordered a distress to be made on the Quakers' goods. But latterly some of the clergy were not content with the property but they seized and imprisoned the persons themselves: and a Quaker, (a man of some property) as he was informed, was imprisoned above two months ago in the common jail of Worcester; was there still; and (though confined for a sum of only five shillings) must there remain for life. Earl Stanhope.

Earl *Stanhope* next explained to the House two ways in which this might happen by the laws as they now stood. First by means of the 27th of Henry VIII., chap. 20, sec. 1, by

by which it is recited that "Forasmuch as divers evil-disposed
 " persons, having no respect to their duties to Almighty
 " God, withhold their tythes and oblations, as well personal
 " as prædial, due unto God and his holy church" (Observe
 the envious words of the statute) for reformation whereof, it
 is enacted, "that for such subtractions of any of the said
 " tythes, offerings, or other duties, the Parson, Vicar, or
 " Curate may, by due process of the ecclesiastical laws of
 " the church of England, convene the person offending be-
 " fore his Ordinary or other competent judge, who, for
 " any contempt, contumacy, or disobedience, shall make
 " request to any two justices of the peace for the shire to
 " assist; that then such two justices shall have power to ar-
 " rest the person against whom such request shall be made,
 " and commit him to ward, there to remain without bail or
 " mainprize, until he shall have found sufficient surety (to be
 " bound by recognizance or otherwise) to give due obedience
 " to the process, decrees, and sentences of the Ecclesiastical
 " Court." Now as all Quakers, by their religion, never
 can give such obedience; this law is, for all Quakers, impris-
 onment for life.

At Coventry no less than six Quakers have been persecuted
 very lately. These persons owed, for Easter offerings, about
 four pence each, making in all about two shillings. For
 which trifling sums they have been brought into the Spiritual
 Court; and the expences of the Court, the Proctors, &c.
 have been so enormous, that the whole charge made against
 these six persons has amounted to 165l. 11s., besides 128l.
 1s. 6d. for the Quakers' Proctor in the country.

Thus it happens that these respectable and inoffensive
 Quakers are become debtors to the amount of near 300l. in-
 stead of two shillings. But as by their religion they never
 can pay, nor any of the other Quakers for them, some of
 them have been excommunicated; the consequence of which
 is that they cannot act as executors, that they cannot sue in
 any court, to recover any debt due to them, and, in forty
 days after excommunication, they are liable to be sent to
 prison, there to remain till death shall deliver them from a
 jail where they may be dying for years, and perish by inches;
 and this merely for the sake of a few pence; which few pence
 even might have been immediately recovered by means of the
 humane act of King William, had the priest thought fit.

These, said Earl Stanhope are instances of ecclesiastical
 tyranny and oppression, and of cold, deliberate, and consum-
 mate cruelty, which would disgrace any set of men what-
 ever.

Some of these Quakers are so highly respected at Coven-
 try, that some of their neighbours, (who are not Quakers)
 have,

have, within these few weeks, raised money by subscription to stop all further proceedings against them. The consequence of which must be fatal to the whole body of Quakers in future; as that will only serve to whet the avarice of the Proctors of the Spiritual Court. Let the clergy recover their tythes, even to the last farthing, but not by means tyrannical or vexatious.

The origin of tythes in England, (as appears by Dr. Burn's Ecclesiastical law) was, that Offa, King of Mercia, basely murdered the King of the East Angles, and in order to expiate for this murder, he made a law, whereby he gave unto the church the tythes of all his kingdom of Mercia. This was as long after Christ as the year 794; and it was about 60 years after that Ethelwulph extended this regulation to the whole realm of England. So that it was not till about the year 854 of the Christian æra that tythes were recoverable throughout England, by the coercion of the civil power.

Lord Coke observes that in the Saxon times tythes were recoverable in the County Court.

When application is now made to the Spiritual Court (or Court Christian as it is called) for the recovery of tythes, the refusal to pay them is followed by excommunication against any person who shall so refuse; and that excommunication is again followed by process *de excommunicato capiendo*, to carry the person excommunicated to prison.

But afterwards by the 13th of Ed. I., stat. 4, (A. D. 1285) it is enacted that demands respecting tythes are to be made in a Spiritual Court, and that the Spiritual Judge shall have power to take knowledge, notwithstanding the King's prohibition.

The ecclesiastical usurpation was confirmed by subsequent statutes.

Tythes may be sued for in the Courts of Equity; and it is intended by the present bill to suffer all tythes or dues, above a given sum, to be sued for in the Courts of Law; and under that sum to be recovered before justices of the peace.

And by the act of the 2d and 3d Ed. VI., chap. 13, sec. 1, prædial tythes are recoverable in the Temporal Courts; and it is enacted that "no person shall take or carry away any such tythes before he hath justly set out, for the tythe thereof, the tenth part of the same, under pain of forfeiture of treble value of the tythes so taken or carried away."

By the 7th and 8th Will. III., chap. 6, a summary method is established for the recovery of small tythes under the value of forty shillings, namely, by complaint to two justices of the peace.

And by the 7th and 8th of Will. III., chap. 34, the same remedy is extended to all tythes (great or small) withholden by Quakers, under the value of ten pounds.

And by an act of 1 Geo. I., stat. 2, chap. 6, sec. 2, the same remedy is extended to all dues or payments to the clergy; such as Easter offerings, &c. One should have thought that here were remedies enow to have satisfied the utmost greed of avarice; but the gratifying of avarice was evidently not always the object. When the recovery of property is the object, the justices may be applied to, the Courts of Equity and the Temporal Courts are open, according to the nature of the case. But when spleen, spite, and inveterate malice, are to be gratified, then the clergy may make their application to the ecclesiastical jurisdiction.

Judge Blackstone, in his learned "Commentaries on the Laws of England," (vol. 3, chap. 4, page 35) says "The statute of 43 Eliz., chap. 6, which gives the judges, in many actions, where the jury assess less damages than forty shillings, a power to certify the same, and abridge the plaintiff of his full costs, was meant to prevent vexation by litigious plaintiffs; who, for purposes of mere oppression, might be inclinable to institute suits in the superior Courts, for injuries of a trifling value."

Now if the law has wisely provided against vexation in the case of instituting suits for injuries of a trifling value, it is infinitely more important that the law should provide against a species of vexation far more grievous and oppressive; namely, the imprisoning of men's persons, even for the sake of three pence, or of four pence, or such other trifling sums, which may be so easily recovered under the humane acts of King William or of King George I. This mode of proceeding to recover tythes, dues, and other spiritual profit; namely, by application to the Ecclesiastical Court, is highly oppressive to all the laity in the kingdom; and with respect to the Quakers it is rank cruelty; for, by means of the Court Spiritual, every Quaker in the kingdom may, as the law stands, be imprisoned for life. And it is the more cruel, for persons so imprisoned are not to be admitted to give bail.

Dr. Burn (in his Justice, 15th edition, title Bail) says "He that is certified into the Chancery to the Bishop, to be excommunicated, and after is taken by force of the King's writ of *excommunicato capiendo*, is notailable: for in ancient times (says Dr. Burn) men were excommunicated but for heinous causes of ecclesiastical cognizance, and not for small or petty causes." It is evidently the extreme of all absurdity, as well as of oppression, to deprive men of their liberty for these "small or petty causes," as Dr. Burn well terms them.

There

There is one thing wonderfully absurd in the ecclesiastical law; namely, there being one and the same punishment for different offences. By the ecclesiastical law men are forbidden to marry their mothers, grand-mothers, or great grand-mothers.

Now if any man should offend against that law his punishment would be excommunication, with all its civil consequences. So that a man's marrying his mother, lying with his grandmother, or committing incest with his great grandmother, is the same offence in the eye of the ecclesiastical law as owing two pence, three pence, or four pence, to any of the Ministers of the Church.

In conclusion, Earl Stanhope remarked, that as neither the act of 27 Henry VIII., chap. 20, nor the Spiritual Courts were necessary for the easy recovery of tythes, he should present a bill to the House to repeal that act of King Henry VIII., and to enact that no suit shall hereafter be brought or maintainable in any Ecclesiastical Court for the recovery of any tythes, dues, or other spiritual profit.

Lord *Kenyon* begged leave to ask the noble Earl whether, upon cool recollection, he could avoid admitting that the 3d day of July was too late a period in a session of Parliament, to bring in a bill which required the most serious and careful discussion. The noble Earl had chosen to find fault with the litigations which were frequently caused for small tythes; those small sums however were the chief support of the inferior clergy, and to do away the possibility of obtaining those tythes would be depriving several of the clergy of their subsistence. At the same time that the noble Earl was complaining of hardships on the community from the clergy, he wished him to look to several of the laity; he wished him to recollect the many quit-rents, heriots, &c., which were payable to many of the laity, and he considered that those were as oppressive as tythes. Lord
Kenyon.

The noble Earl had said that persons were imprisoned for sums as low as one shilling; this he could not consider to be an oppression; for if any were so obstinate as to refuse the payment of legal dues, the laws were necessary to be enforced; on the payment of those dues, however, the persons imprisoned could be released. He objected to the innovations proposed by the noble Earl, and could by no means be of opinion that he had advanced sufficient reasons to warrant the House to aid him in pulling down a fabric which had existed for so many years, and which was the chief support of the Clergy. He objected to the principle of the bill, as it went to empower a justice of the peace to decide on tythe causes, with an appeal to the Quarter Sessions. To leave the right of the clergy in such hands was a regulation not to

be borne; it was, in his opinion, very strange that a proposition should be made to subject the rights of the clergy to the decision of a justice of the peace, without suffering an appeal to any of the higher courts, or to the Court of Equity: It would (he thought) be far better at once to abolish all the tythes now allowed than suffer them to exist under such restrictions.

Earl Stanhope. Earl *Stanhope* expressed his astonishment at discovering that the noble and learned Lord, who had been in both Houses of Parliament, should have entered into objections against the bill previous to its commitment, which was the proper stage. The noble and learned Lord had objected to a justice of the peace or layman deciding on the cause of a clergyman; he wished to ask the noble and learned Lord if it was not equally objectionable for the clergy to decide (as they at present did) in their Ecclesiastical Courts on the causes of laymen?

Earl of Abingdon. The Earl of *Abingdon*, speaking next, observed that he rose more for the purpose of finding fault with the noble Lord himself than with his Lordship's bill. The bill he had consigned to the hands of those who, from the specimen they gave the other day of their abilities, (he meant the right reverend Prelates) would better know how to manage it than he did; but, of the noble Lord himself, he could not help expressing his surprise that he should suffer his religious zeal so far to out-strip his political sagacity. Of the noble Lord's goodness of heart, and of his talents, no one entertained a higher opinion. He knew the noble Lord of old; they were both bred up in the same seminary at Geneva, though their political, any more than their religious tenets, were, perhaps, not exactly the same. There was no man, his Lordship said, in or out of that House, more devoted to religious toleration than he was, but at the same time there was no man whose mind was more firmly made up for preserving the Constitution of the country, both in Church and State, *as it stood*, than himself. That he would then enter into no disquisition, whether they ought to be separated or not, as had been maintained, but this he knew, if they were separated, that neither would stand. Whatever imperfections, therefore, were in either, and imperfections there were in both, they ought to be touched with a delicate hand, or not touched at all. And yet what was the noble Lord about? He knew not whether he was a *Free-Mason* or not, not being one himself, but that he is a *Mason* the noble Lord had declared; for his Lordship had said, "his employment is to carry away rubbish, and, if he cannot do it in cart-loads, he will in wheelbarrows, and if he cannot in wheelbarrows, he will by shovels full." He was sorry the noble Lord was employed in such dirty work, as he was sure it very much unbefitted his

his character and dignity ; but if it were dirty work only, it would be his Lordship's affair only ; whereas without the prospect of success in his attempts to do good, he was, perhaps, doing an infinite deal of mischief, for by raking in the *legal ashes* (and obsolete laws were no more) he might raise up a spark that would burn the whole of our statutes, *civil* as well as *ecclesiastical*, good and bad together.

If the noble Lord wished to be a law-giver, and a statesman, let him act as such. Let him move for a Committee of both Houses of Parliament, and let him, after the manner of the great Lord *Bacon*, direct their inquiries towards reformation, as reformation ought to be obtained, by building up and improving, and not by pulling down and destroying. Let not the noble Lord point out, as he is now doing, to the incendiaries of this country (and incendiaries there are enough) how to create anarchy and confusion among us. Do the times call for this ? Or rather do not the times *forbid* this ? But on this subject he should, at present, say no more, though he feared the times were coming when he should be forced to speak out more plainly. In the mean time, however, he entreated the noble Lord, if he would be a reformer, if he would be an *Alexander Cruden*, who styled himself the *Corrector*, and who was so fond of *correction* that he undertook to *correct* even the Bible *itself*, that he would weigh his zeal in the scales of his understanding, and not in the balance of a heated imagination, as from the former good might arise, but from the latter nothing but evil could ensue.

The Duke of *Norfolk* contending against the exercise of the power of the clergy to excommunicate for civil causes, observed that this power caused to serious persons much uneasiness of mind ; and as to those of a contrary turn it increased their ridicule of all religions. If any of the right reverend and learned Bench would signify their intention of bringing in a bill to regulate and amend the tythe laws, or were anxious for the abolition of the power of excommunication in civil causes, he should gladly (observed the Duke in conclusion) withdraw his feeble endeavours to support the bill, the fate of which was now submitted to the decision of their Lordships.

On the question being put, it was negatived.

The bill was accordingly rejected.

The House adjourned.

Wednesday, 8th July.

Upon this day Governor Hastings addressed the House as follows :

“ My

would be put to it; all which he should at present move was, "that the further consideration be put off to a future day."

It was then moved, "That this House will proceed further on the trial of Warren Hastings, Esquire, on the first Tuesday in the next session of Parliament;" and that a message be sent to the Commons to acquaint them therewith.

The House adjourned.

Friday, 10th July.

A debate of some length, in which the Marquis Townshend, the Earls of Sandwich and of Hopetoun, the Chancellor, and Lord Rawdon, bore a part, ensued; but as it related only to the Cromford Canal Bill, we wish to avoid pressing upon our readers with a statement of particulars; and trust that it will prove sufficient to remark that the bill was ordered to be read a third time.

Monday, 13th July.

Lord
Rawdon.

Lord *Rawdon* rose, and for the purpose of establishing the alleged fact, that our expences were greater than our income, and that instead of being able to fund three millions, within the last three years, we had run six millions into debt, he went regularly through the expenditures during that period, contrasting them with the annual receipts arising from the public estate, and drawing from the whole a certain number of charges on one side, and a certain number of credits on the other, so as to balance the account in conformity to the assertion which he had made, and to prove the nation to be a loser of six millions.

Upon this occasion, Lord Rawdon stated that the expenditure from the 5th of January, 1786, to the 5th of January, 1789, after deducting the deficiencies on land and malt, and lottery prizes, from the sum granted, for miscellaneous services, and adding the interest on Exchequer Bills, was

	£. 48,790,523
To this he farther added the Navy debt	608,443
Interest	34,229
Paid towards reducing the National debt	3,000,000
	<hr/>
Making in the whole	52,432,195
	<hr/>

Thus averaging the three years at per annum 17,144,028

This was the expenditure; and in order to shew that it exceeded our income, he stated the following to be the amount of the receipts:

Taxes for three years, to 1789,	-	-	£.38,320,331
Land and malt, for the same time,	-	-	7,290,991
			<hr/>
			45,611,322

From this he deducted a payment made by the East-India Company, which was included in the taxes of 1786, - - - - - 510,000

So that the net sum appeared by his statement to be - - - - - 45,101,322

Lord Rawdon deducted the receipts from the expenditure, by which there appeared a deficiency of 7,330,873l. on the face of the last three year's accounts, which, divided by three, made the deficiency of each year 2,443,624l. 6s. 8d. This, he contended, was the true state of the public finances, and such a one as called for the discussion of Parliament, that some method might be adopted to put a stop to so ruinous a system of government; for if the next three years were to play the same losing game as the three last years, we should in a time of profound peace, be getting near two millions and a half every year into debt, under the false pretence of paying off one million annually. He was well aware that his statement would be called fallacious, and he expected to be accused of having charged what he had no right to set down to the debt side, and also of having taken credit for what was not a credit within that period of time; but his calculation was formed on the three last years, and it drew its strength from those incontestible proofs which lay on the table,—the public accounts

The Duke of *Richmond* contended, that in almost every part of what the noble Lord had stated, there was a fallacy introduced to mislead the judgement, and perplex the understanding of the House, a kind of systematical false conclusions, drawn from premises that were not established. Nay, to take up the noble Lord's own statement, there was error upon error, in the very common article of addition. The Duke referred, for proofs, to the papers themselves, wherein, according to his remarks, the expenditure, which Lord Rawdon made fifty-two millions and a half, appeared but fifty-one millions and a half. This, however, was not the point which he meant to combat, for it was so plain that every school boy who understood addition must discover the falsity of the sum total.

The grand point which the noble Lords in opposition meant to carry by this enquiry, was wrapped up in a confusion of figures, not so easily understood as the mistake of that million,

lion, it was in a kind of speculative cloak, which covered a multitude of wrong calculations. In the first instance it was unfair to average the three years finance, which evidently were selected, because two years average must have proved the truth, and justified every syllable uttered by the Minister, as to the annual saving of a million towards paying off the national debt.

In the statement made by the noble Lord, under the head of expenditure, he charged the amount of deficiency in the land and malt tax, which sums did not belong to the services of the three years from 1786 to 1789. They had, in fact, nothing to do with them, and were lugged in merely to serve the purpose of swelling the balance against the receipts. It was in vain for the noble Lord to deny this. The fact so strongly spoke for itself that no eloquence could shield it from discovery, no intricacy of figures hide it from the eye of truth. And this sum was considerable, added to another, (the lottery) which was also introduced in the same unwarrantable manner, making in the whole near a million, that must be struck off from the fictitious deficiency arising out of those fictitious calculations. The debts of the year antecedent to 1789 were not to be made credits, and brought into consideration on the wrong side of the account; and yet this was the mode of supporting the famous charge of deficiency; a charge which he should completely overthrow, and which he would certainly prove to be a political falsity, calculated to lessen public credit, and deceive the judgement of the people. The income of the year 1788 was not an income on which the revenues of this country were to be calculated, it was far, very far below any other year, and, evidently, from a general stagnation of trade, occasioned by the then agitation of the commercial treaty; every branch of commerce standing still, and waiting the event of so important a matter. This the noble Lord appeared to know, in a kind of conscious acknowledgement that he had taken it into his average, although it was unfair, because, if he did not, the whole of his statement must have fallen to the ground, and the million saved be no longer a matter of doubt. The noble Lord had also calculated from the conclusion of an expensive war, which he had no right to do. Some little time ought to be allowed for breathing; but that would not have answered the purpose, for the growing prosperity of our finances was such since 1786, that an investigation of them, without taking in that unproductive year, would have so established all that had been advanced by His Majesty's Ministers, and so clearly demonstrated the prosperity of our finances, that nothing would have remained for opposition, but to sit down in
sullen

fullen silence, to view the growing wealth and encreasing consequence of the empire.

The Duke next entered into all the minutiae of all the deficiencies, extraordinary expences, and probable resources; contrasting his statement with that made by Lord Rawdon, for the purpose of demonstratively proving, by the printed papers, from which the charges against the Minister were taken, that every calculation was erroneous, that it was a trumped up account of sums, which had no existence in truth, falsely multiplied, erroneously divided, improperly subtracted, and jesuitically added, in the several forms of arithmetic, into which they were, with such amazing art, varied, to suit the political purposes of the day.

The increase of the army was a matter which human penetration could not foresee, but which human judgement must allow to be great. It was not in the power of England to tell what secretly passed in the bosoms of Holland, Denmark, or Sweden; but it was requisite when danger threatened, that we should not, as some former Ministers had done, wait for the blow to be struck before we were prepared to return it. The extraordinaries of the navy had the same plea—that defence was our strong safeguard, our boast, our glory, our pride; and it was requisite to keep it up with dignity at all times, and with a strong countenance when danger threatened: our fortifications for the same reason were not to be slighted. It would argue great neglect if the ditches were to be sunk, and the parapets raised, when the enemy approached our shore. Then, indeed, the members of opposition might have true cause of complaint; then Ministers might beg for mercy, and resign, through want of capacity to govern and direct. The revenues of this country (the Duke contended) were in the most flourishing state, and the income had already risen above the estimate formed for the year 1789; and no doubt remained of a further increase, and an actual certainty of being able to add, instead of diminish, the sum allotted for lessening the national debt.

In conclusion, he observed that the legacies left by a noble Lord, (North) when the Parliament dismissed him from his office, were an exhausted Treasury and fallacious statements; but whensoever the future successors of the present Ministry should enter upon their political departments, they would find strong, serviceable, and brilliant traces of integrity, foresight, and economy.

Lord *Rawdon*, rising to explain, observed that the most ungracious task which a Minister had to go through was to impose taxes on the people. He did not object to the imposition of taxes, or to any scheme by which the revenue might be fairly improved: but he had many objections to that mode

Lord

Rawdon.

of levying taxes which had been lately adopted by the alarming extension of the Excise laws. He differed from the noble Duke in the hopes which he entertained of any considerable saving from the reduction of our establishments. His opinion was that no material reduction could take place either in our navy or our army, consistent with the public safety. The number of ships in commission would probably be kept up; and the noble Duke's scheme of fortifying the West-India islands would perhaps require an additional number of troops to garrison them, for he maintained that if they were not defended by a sufficient army, every species of fortification was giving additional strength to the enemy; and it was that circumstance, by encreasing the peace establishment of our army, which rendered fortifications a very proper ground of alarm to this country. From this digression, Lord Rawdon returning to the accounts on the table, challenged the noble Duke, by a fair statement of the national income with the expenditure, to disprove his arguments, and it was by that only that the result could be fairly ascertained.

Duke of
Richmond

The Duke of *Richmond* persisted in his former opinion, that from the average of the two years stated by the Committee they were well founded in their report. He defended his fortification from the attacks of Lord Rawdon, and said that if they could give additional strength to our enemies they must of course be of the same advantage to us as long as we kept possession of them. He insisted that a strong post, communicating with the sea, was essentially necessary to the preservation of the West-India islands.

Lord
Walsingham.

Lord *Walsingham* followed the Duke of Richmond, and argued the subject upon the same grounds as the Committee appointed by the House of Commons.

Viscount
Stormont.

Viscount *Stormont* supporting the arguments of Lord Rawdon, declared that the assertion of the noble Duke that the Exchequer bills, issued in 1786, formed no part of the debt of that year, because they had been voted in 1785, was as absurd as it was indefeasible. The fact was that Exchequer bills never became a charge on the public, till they were issued; whether they were voted in 1785 or not was of no sort of consequence, they were not issued till 1786, and therefore they certainly came to be included in the debt of that year as much as any other sum. No credit ought to be given to any calculations which were not founded upon a fair comparison of the actual receipt with the actual expenditure; in his opinion the statement of the noble Duke was radically wrong, because it proceeded on an hypothesis which the accounts themselves did not justify. He could not flatter himself with seeing the hopes of the noble Duke realized as to the reduction of the navy and army. Our situation in the East Indies, the weak-

ness of which he had, on a former occasion, pointed out, would require a considerable naval force to be kept up, and the noble Duke's fortifications, as well as our new connections on the Continent, would probably prevent any farther reduction of our military establishment. Upon the whole he was decidedly of opinion that the statement of our finances, as presented to the public view, was fallacious, and therefore an enquiry into our real situation was indispensably necessary.

Earl *Bathurst* disapproved of bringing forward any investigation of our finances at so late a period of the session, when it would be impossible to provide new taxes, even if they should be found to be necessary. He approved of the scheme of a sinking fund for the payment of the national debt, the good effect of which (though perhaps he might not live to see it, would be soon felt. The high price of the funds was a proof of the good opinion entertained of the public credit; and he did not believe that the eloquence of the noble Lord in that House, or of an honourable gentleman (Mr. Sheridan) in another, would tend much to diminish it. He added that in a few years the nation would derive a very large annual sum from the surplus of the revenue arising from our territories in India.

Lord *Loughborough* remarked that he agreed with the noble and learned Earl on the impropriety of bringing forward questions of great public importance at so late a period of the year; but though his observation was just, he had unfortunately applied it to the wrong side of the House. It was to His Majesty's Ministers that the noble Earl ought to have directed that part of his argument; for surely it did not belong to the noble Peers near him to prepare and lay before Parliament the various branches of the public income and expenditure. He therefore hoped the noble Earl, when he saw other questions of great political magnitude attempted to be carried through the House at a period of the session still later, would be equally anxious to reprobate the indecency of the proceeding. The present was a question which did not require the aid or the embellishment of eloquence, the plain dullness of vulgar arithmetic was perfectly equal to the task. It was not a question of party; it was of no consequence who was Minister; but the people ought not to be deluded with false hopes of the flourishing state of their finances; they ought to have a faithful and an accurate detail of their real situation, instead of a delusive, temporising system, the fallacy of which even the experience of three years had compleatly exposed.

Lord *Loughborough* ridiculed the idea of judging of the flourishing state of our finances from the high price of stocks. Their rise or fall depended not on such investigations. The quantity

quantity of money in circulation in the market, and not the calculation of the amount of the public income or expenditure, was the sole cause of their fluctuation. In looking over the accounts on the table, he was struck with the impropriety of the mode in which they were made up. In enabling the House to judge of the real situation of the country, the net receipts ought to be stated against the net expenditure; instead of that simple mode, they were puzzled with accounts of arrears and other contingent articles, the exact amount of which it was impossible to ascertain. He did not mean to exclude the accounts of arrears; but they ought to be stated by themselves in opposition to the debts due by the public. With regard to the boasted surplus, it was impossible to consider it seriously as having effected any real diminution of the public debt; it was in fact borrowing with one hand to pay with another. As to the flattering hope entertained of the public receiving any aid from the East-India Company, that was a vain expectation; he understood that they were, that day, soliciting in another place the ruinous expedient of adding another million to their capital, without which they would be unable to pay their bills. This was, in fact, virtually pledging Parliament to renew their charters, though it was evident to every man who had investigated their affairs that in every article, tea excepted, they were trading at a very considerable annual loss.

Lord Rawdon. Lord *Rawdon* requested the farther indulgence of the House while he made a proposition to the noble Duke, which he trusted from the fairness of it, he would not oppose. They had drawn different conclusions from a comparison of the same accounts; he therefore proposed to accommodate their difference, by referring them to the examination of a Committee; but he would not make any motion without the noble Duke's approbation.

Duke of Richmond The Duke of *Richmond* answered that he would not consent to a Committee, but he would furnish the noble Lord with his calculations.

The Chancellor put the question that the bill be read a second time, which was carried.

The House adjourned.

Thursday, 23d July.

Bishop of Bangor. On the first reading of the Revolution bill, The Bishop of *Bangor* having remarked that all the Lords with whom he had conversed were of opinion that this bill ought to be opposed at the first reading, added that he would give such reasons as occurred to him, on a sudden, why this bill could not, with propriety, be suffered to pass into a law. He observed that such a bill was totally unnecessary, as the
great

great event of the Revolution was in a very particular manner taken notice of every year in the service of our Church, for the 5th of November. He then remarked that it was judicious to couple this event with that of our deliverance from the gunpowder plot, as we were saved in both cases by signal instances of God's good providence, from Popish tyranny, and arbitrary power. The Bishop said that this great event was mentioned in one long prayer, which was drawn up on that occasion, and added to the service of the day; and besides this, notice was taken of it in two or three other places. He next remarked that the introductory sentences were all added on account of the Revolution, and also the hymn instead of the *Venite Exultimus*. He farther said that there were other very material alterations and additions, in order to adapt and accommodate the service to the commemorating of so great a blessing as the Revolution had proved; and then he observed, in general, that the service was drawn up with great gravity and wisdom, and was as good and as unexceptionable a service as any in the whole Book of Common Prayer; and no wonder, as it was drawn up by those very Divines who had contributed more than any other order of men in the kingdom, towards bringing on the Revolution, by their matchless writings against arbitrary power and Popish superstition. The statute, called the Bill of Rights, was ordered by this act to be read in our churches once a year. This the Bishop much disapproved of, and gave several reasons why he thought it highly improper; and then he concluded with saying that these were the reasons which occurred to him, on the sudden, as he did not know till that moment that the bill had been brought up from the Commons; and not being willing to take up any more of their Lordships' time, he moved that the bill be not read a first time.

Earl Stanhope expressed his astonishment that a Protestant Bishop should be against returning thanks to Almighty God, for our deliverance from Popish tyranny and arbitrary power, as all the rights and privileges which that learned and right reverend Prelate and the rest of his brethren enjoyed, were entirely derived from the Revolution. He then observed that the nation in general attended too little to this great event; and for that reason it was proper that a solemn day of thanksgiving should be appointed, in order to rouse the people into a due sense of the great blessings they enjoyed from this glorious and ever-memorable event. He found fault with the service of the church, appropriated for the 5th of November, as it stands in our liturgy, and though it might be much improved, and made more applicable to the subject of the Revolution.

Earl

Earl Stanhope next read a sentence or two from the service of the 5th of November, and observed that we do not return thanks to Almighty God for the restoration of our liberties, but only thanked God, because He made all opposition fall before the King—a foreign King, with a foreign army. He then complained very much of the indignity of the mode of opposing a bill at the first reading, and hoped that the right reverend and learned Prelate would withdraw his motion, and let the bill be read a first time, and then appoint a day for a second reading, when all parties would be better prepared to oppose or defend.

Ld. Chancellor.

The *Lord Chancellor* begged leave to assure their Lordships, that from long experience he knew that the right reverend and learned Prelate had as proper a sense of the great blessings which were derived from the Revolution, as any Member in that House, and was as ready to join in returning his sincere thanks to Almighty God for the deliverance which was wrought for us by that event; but notwithstanding this, his right reverend and learned friend did not think it necessary that any other mode of returning our thanks, as a nation, was at all necessary than what was already established; and the reasons which he had given their Lordships for his opinion were perfectly satisfactory to himself, and would, he believed, prove satisfactory to the generality of their Lordships.

The service of the church, in which the event of the Revolution was commemorated, was a very proper service for the occasion; and he thought the passage which the noble Earl had quoted was particularly apt and proper, and did not lie open to any of the objections which the noble Earl had made to it.

He could not, therefore, avoid being surprised to discover the noble Earl saying that in the present service we returned thanks to Almighty God, because all opposition had fallen before a foreign King with a foreign army. The right reverend and learned Prelate never spoke of the Revolution in such terms as these; for he understood the subject too well, and had too just a sense of that glorious event, ever to use expressions of such a nature.

Earl of Hopetoun

The Earl of *Hopetoun* observed that the learned and noble Lord from the Woolfack had delivered his sentiments with great dignity; but, at the same time, had treated the bill with great indignity, which he did not approve of, as he thought that the bill ought not to be opposed in this stage. For his own part he considered it as a good bill, and should vote for it in every stage.

On the question being put, thirteen voted for the Bishop's motion, and six against it; upon which the bill was rejected.

Viscount

Viscount Stormont rose and presented a petition from the Corporation of London against the Tobacco Bill.

The *Lord Chancellor* declared himself against admitting the petition. On a former day he had assented to the propriety of listening to the remonstrances of any body of men, whose rights might be affected by any parliamentary act; but this petition was not from any such body. The citizens of London at large could not be more injured by the bill, if there were any thing injurious in it, than any other community: this petition came from them not as a body composed of individuals aggrieved, but in their corporate capacity; and he presumed that the Corporation of London were not to instruct the Legislature in matters relevant either to law or politics.

The petition was not suffered to be brought up.

The House adjourned.

Wednesday, 29th July.

The order of the day having been read for a second reading of the Tobacco Bill,

Viscount Stormont rose first, and declared that upon the present occasion, he should consider himself as highly reprehensible were he not to solicit the candid and serious attention of their Lordships, whilst he prevented the bill from being read a second time, until he should have offered his sentiments to the House upon its general principle, as well as the absurdities which arose out of the heterogeneous mass of matter which had been introduced into it, under the title of "necessary clauses for the regulation of the tobacco trade." He should, however, take notice only of such a portion of the clauses as would, in some degree, be necessary, in order to prove the absurdity of the whole from the discordance of its parts; the objections to particular clauses would more immediately belong to the discussion of the bill in a Committee, if their Lordships should think fit to commit it, considering it as a bill capable of any useful amendment whatsoever.

With respect to the general principle of the bill it might be considered to have taken its rise from the history of the political career of Sir Robert Walpole, when the temper of the nation was supposed to be cherished in a hot-bed, but now, he feared, we were freezing in a cold-bed; and that the warm and intemperate zeal of a Minister is conquering the lazy apathy of the people: the attempts of Sir Robert Walpole to extend the Excise laws, aroused the suspicions and resistance of the public, and yet his attempts were not so daring as those contained in the present bill; for even in the very worst of them, although the usual obnoxious clauses in Excise bills were introduced, yet they were accompanied with one

alleviating circumstance, which was nothing less than an appeal to the Judges, from the decision of the Commissioners of the Excise; but not even this consolation was held out to those who are to be affected by the operation of the present bill. The contents of this bill he did not wish to conceal or exaggerate by any over-coloured description; he wished to try them fairly by their own merits. He would consider them even in the very manner, and on the very foundation, which is alledged to be the *stamina* of the bill itself, that is, whether it will operate to the increase of the revenue by preventing fraud in the manufacture of the article of tobacco? or, in other words, whether the contents of the bill are such as to render it proper and expedient for their Lordships to give it their sanction, and to use their endeavours to pass it into a law?

The persons concerned in the framing of this bill, in its original form, found themselves so much mistaken that they were obliged to abandon their original scheme, that of allowing the officer to take stock during the process; they found the torrent of evidence bearing against them with such irresistible force, that they were obliged to alter the form of the bill; but they could not alter the substance; and although it had now a different aspect to that which it assumed originally, yet in point of spirit it is still the same: the framers of the bill were mistaken in the beginning of the bill, and also in the end of it; the middle must therefore be useless; from the mistakes of the beginning and the end arose those numberless inconsistencies, incongruities, absurdities, and contradictions, so conspicuous in the whole mass; and that these epithets were applicable to the bill, would be readily allowed by those who perused its contents. Heaven forbid that he should call their Lordships' attention to all the absurdities of this bill, although he had taken a painful journey over them himself; the result of that excursion was such as to enable him to declare upon his honour that he was convinced of the impossibility of regulating the contents of this bill to such uniformity as would render them a consistent code of law; this he illustrated by various references to facts in the trade, as contra-distinguished with the different clauses in the bill; for instance, were he to ask whether snuff was to be weighed by the Excise officer? the answer would be—yes; for the clauses in the bill declare so, *co nomine*; this must be during a process; for the snuff is always in a state of operation. What then became of the clause which affects to alleviate the hardship of the case of the manufacturers, by promising that the officer shall not take stock during the operation? Thus was proved the absurdity which arises from the palpable contradictions of the various clauses in the bill; indeed they counteracted

teracted each other like opposite equations in problems of algebra. These circumstances would strip the bill of all semblance of merit; for they would take away the favourite maxims which had been so often urged for the introduction of the system—augmentation of revenue; these circumstances would render the whole plan unproductive; and of all the monsters that ever made their appearance in a State, that of an unproductive Excise system was the most monstrous. He should not enumerate all the absurd clauses in this bill, because he was unwilling to detain their Lordships too long upon a point which was in itself so clear; for were he only to claim the attention of the House to all the absurdity which appeared even in the striking clauses of the bill, he should take up more time than the House would willingly wish to bestow.

The framers of this bill had, in forming their plan, paid no attention to the nature of the manufacture which they profess to regulate; indeed they had paid no regard to the unalterable nature of things, for they had imposed upon the manufacturers of tobacco, a task superior to the most strenuous effects of human capacity; they had called for a fixed and permanent rule to govern that which is liable to perpetual fluctuation and change; for by the perusal of this bill in the absence of other information, who would not think that tobacco is as invariable, fixed, and determined in its weight as diamonds or gold! How different was this assumption in the bill from the nature of tobacco! for all those who knew any thing must know that tobacco, in point of weight, is influenced by the atmosphere, and was heavy and light in proportion as the ambient air was condensed or attenuated; as well therefore might the framers of this bill have inserted a clause in it, inflicting a penalty for copious perspiration in the dog days, or for taking cold in the eastern winds! Tobacco being thus circumstanced, it would be impossible to ascertain at what period it can, without prejudice to the manufacturer, be weighed; this bill would therefore inflict on the manufacturer a penalty for the error of the Exciseman.

The next point to be considered was the regulation intended by the framers of the bill to operate upon the mixture of the tobacco; and to this plan there were unsurmountable obstacles and unanswerable objections; it was well known that when tobacco is in a state of fermentation, which would be too strong for its quality, it was the practice to alloy it with fresh tobacco, and this was a process with which the manufacturer could not dispense without infinite injury to his trade; the flavour of the tobacco, and consequently its quality, as well as the success of his trade, depended upon the

process. Of all these advantages he was now to be deprived, the practice being prohibited by the present bill.

Another very striking hardship, and most serious grievance was to be inflicted on the manufacturer by the present bill ; for he was to be called upon to decide the allotment of the different species of tobacco in the raw material, or within twenty-four hours afterwards ; whereas it was in evidence, on oath, at the bar of that House, that it is impossible to form an opinion of the proper destination of tobacco in that space of time ; that sometimes after twenty, and sometimes after one hundred, days had elapsed it would assume an aspect which would cause a change to take place in the design for which it was originally destined.

Here Viscount Stormont illustrated the subject by referring to evidence given before the Commons, and then he called upon their Lordships to reason from analogy in this case. He wished to know whether it would not be deemed a great hardship if the manufacturers of cotton or Manchester stuff were called upon to decide in the raw material, the colour or pattern of all their goods ; circumstances, it was well known, which always governed them in those cases.

In pottery, or china, it would be deemed hard that the manufacturer should decide in the first stage what part shall be deemed common, and what ornamental ; such accidents might happen to that which was at first designed to be ornamental as might render it indispensably necessary to change its destination into common ; and precisely in the same situation stood the manufacturer of tobacco ; and yet he was called upon, in the first instance, to make his choice as to the destination of his commodity ; this was glaring injustice as far as it respected tobacco, and so it was with regard to snuff also ; for it must often occur that snuff would require a further operation, after that which is deemed the last in the bill. There was no provision made for liquoring in the mill, a process which would be found necessary. In short, the manufacturer was, by this bill, deprived of the means of suiting the flavour of his snuff to the taste of the customer who demands the commodity.

The bill was in many parts absolutely unnatural with respect to its object, for it called upon the manufacturers to perform that which, in the nature of things, is impossible ; this they had in evidence at the bar of that House. It was true, indeed, that one witness had sworn that he could comply with it ; but on being asked how, he answered that it was from a certain method he had in keeping his books ; this evidence carried with it its own objection ; for if he was enabled to comply with the clauses in the bill, by a method of keeping his books which was peculiar to himself, that pecu-

liarity implied, that no other manufacturer was able to do so, as not possessing the same means; and therefore the bill should not be general in its object; it ought only to operate on those who are able to comply with its exactions.

The next object to be considered was, if possible, still more serious than the former; the bill imposed a penalty of 50*l.* on the manufacturer, or vender, of adulterated tobacco, contrary to this bill; all which was an unexampled tyranny and manifest injustice; he wished to know upon what maxim, philosophical or moral; upon what principle of civil liberty or human institution it was that this penalty was thus to be imposed, as there was a word omitted, which hitherto always accompanied every clause, for penalties to be imposed upon those who transgress laws: he meant the word "*knowing.*" Without this word the most uninformed and innocent retailer, in the most remote and obscure village, would become liable to beggary, without having any power to avoid it, as he might, in the retailing of one pound of tobacco by ounces, incur on each offence the penalty of 50*l.*, nor was it in the power of the Legislature to avoid this, unless Parliament had the power to make all mankind complete chymists, and enable them to analyze all the tobacco which came into their hands. Thus the honest trader was, without any malversation, or even negligence in himself, to be reduced from a state of easy competence to complete and absolute ruin. Viscount Stormont declared that he could not, by the utmost exertion of faith, prevail on himself to believe that this bill will pass into a law until he should actually see it in the statute-book; for so unjust, tyrannical, and iniquitous a bill was never before offered to the Legislature of this country.

Another circumstance, equal in magnitude to all the rest, remained to be considered; he meant the secrets and the mysteries of the trade. These would be laid entirely open if this bill should pass into a law; a discovery of the mystery must inevitably be made, as the Exciseman is by this bill enabled to inspect, at every hour, the whole process and operation; he is permitted to take samples, which he may keep and compare with others; nay, he may enter at the very moment when the master of the manufacture is in the act of mixing the ingredients; a moment which has hitherto been sacred to himself, he not even permitting the most confidential of his domestics to be present; he may enter even at this instant and discover the whole mystery; and thus all that an industrious man has been toiling for during half a century—all that was honestly transferred to him from his father—all that providence, in its bounty, has been pleased to bestow on him—every thing which he thought worth preserving—every thing which he hoped, in a free country, should
always

always be protected by the law—is to be snatched from him by the untimely visit of an Exciseman!—nor would there be any argument to answer this; it could not be said that the Exciseman would be ignorant of the composition, as he may enter at the time it is composing; and even trusting that this would never happen (which no man in his senses ever would), even then he might, from his knowledge of the specific gravity of the different parts of the composition, be led to a knowledge of their proportions.

He wished to know upon what principle it was that private property is to be thus invaded; and an invasion to a vast extent would take place if the bill should pass. One witness had sworn that he would have it in his power to sell, for a large sum, the mystery of his business, provided that this bill does not pass into a law; of all the species of tyranny exercised on man, that of depriving him of the effect of the benefit of his own ingenuity was the most nefarious; for the right of the produce of a man's genius was more sacred than even the right which their Lordships had to their estates, titles, dignities, and honours. That of a man's genius being to be considered as cleaving to him absolutely from his own sterling merit—that of their Lordships to their estates and dignities being connected with the forms of, and mixed with, a positive law.

He conjured their Lordships to consider how much property they might sacrifice, and how deeply they might affect the revenue, by a rash project, and a dangerous experiment. One manufacturer, an useful, worthy, and honourable, member of society, had for years been paying in, to the support of the revenue, upwards of twenty-five thousand pounds annually. This manufacturer, since he has been in trade, has paid upwards of six hundred thousand pounds. This gentleman's name is Pollard, a person entitled to great respect. Was this a subject to be trifled with, and made the object of caprice and wild experiment? He entreated their Lordships to consider the impolicy of this proceeding, as by checking the progress of these great manufacturers, they stopped up the source from whence this immense contribution to the revenue springs.

Viscount Stormont then observed upon the policy of reducing the duty in preference to this regulation; and he instanced the effect which the late regulations have had upon tea, and quitting this point, he naturally recurred to (what he considered as) the manifest injustice of the principle of the bill. He declared that he could not vote for it, because he would not be accessory to an injury which he could not possibly repair. He complained that a bill of this magnitude should be brought forward at so late a period in the session, when

when Members of both Houses were absent, some on different avocations, and others on necessary duty. It was singular that this bill did not find its way into Parliament until the middle of June, although Parliament met effectually to transact business on the tenth of March, and this bill was long before that time determined upon; but as he could not assign a reason, he would not assign a cause for this delay; all he should observe on that point was, that in carrying through Parliament unconstitutional measures, Sir Robert Walpole was a mere bungler to the refined practice of modern times. Sir Robert Walpole had a strange prejudice, thinking that something was due to the dignity of Parliament, whereas the present Premier had no such apprehension; he seemed to have no respect for ancient practices, but wished to bring every thing in the measure of the day, "but I am so old fashioned, and so prejudiced in favour of former times, that I cannot help saying, I wish to see them revived."

The *Lord Chancellor* said that the speech which they had just heard contained such objections to this bill as, he hoped, would leave a lasting impression on the minds of the whole House. Perhaps, indeed, this, regularly speaking, was not the stage wherein some of those objections should have been introduced, and he should, partly on that account, agree to the commitment of the bill, declaring, however, that he did so without being able to answer the noble Viscount with respect to the objections which he had so forcibly urged against several parts of this bill. Ld. Chancellor.

It would naturally suggest itself to every person conversant in finance or politics, that if there was a vast quantity of tobacco consumed, for which duty was not paid, a discovery of the abuse, and where it lay, ought to be made; and if the laws now in force are insufficient for that purpose they ought either to be repealed or amended. He wished, by the way, to know whether it was intended to prevent the exportation of Spanish tobacco? There were also other circumstances which he should desire to hear explained on a future occasion; these inquiries did not properly belong to the present stage of the bill. He also wished that those who are to consider the bill, may attend to some points which the noble Viscount had not considered, although his speech was replete with excellent remarks, and sound sense.

With respect to the high duties upon tobacco, he desired it might be remembered that it was not in this country alone that the duties were high on that article: it was the policy of several other parts of the north of Europe; nor was it fair that the Minister of the day should bear any blame on that account, or for his not lowering the duties; he has left the duties, as to the amount, as he found them, and in which

which he acted properly; the only object of the bill was to regulate those duties. With respect to the disproportion of the intrinsic value of the commodity, bearing, as is well known, only a fifth part of the amount of the duty, he could only observe that this was not peculiar to the article of tobacco; many other articles being highly rated in this report, though perhaps none quite so high as that of tobacco. He wished the House to remember, that even in the value of land itself, which is the highest species of property, the tax upon it amounts to a fourth of the whole value. Having reasoned by analogy for some time upon these points, he called their Lordships' attention to the subject immediately before them. Little doubt could be entertained of this fact: that a great quantity of tobacco escapes the duty by law now ordered to be imposed upon it.

The first thing, which would therefore naturally occur, would be to ask by what means that quantity can be ascertained? and then how, in future, the duty shall be regularly levied? Perhaps no means could be adequate to this end but that of subjecting the commodity to the Excise law; how, and under what mode and regulation, this is to be done, is another question, and unnecessary to be discussed here; but at all events there could not be two opinions upon the position that there is infinite mischief to the state in the practice of suffering tobacco to escape paying the duty; nor did the mischief affect the revenue only, it materially affected the interest of the fair trader; for he who valued his character would not trade unfairly; and if he was determined to trade only on fair terms he came to market without being able to deal: hence it must be allowed that some regulation is necessary; and here again he must confess and admit that the Excise, perhaps might apply to the evil; but, at all events, the law must be such as to apply either to the importation of the tobacco or its consumption; and with respect to the disproportion between the value of the tobacco and the duty imposed upon it (as he had before observed) it was a very ingenious mode of stating it as a hardship upon the manufacturer having a fifth only for himself, and the remaining four-fifths for the public. This acuteness did the Counsel much credit; but, it should be recollected that in proportion as the duty was high did it become the first Lord of the Treasury to be active in devising means adequate to the end of securing its collection; and to devise means by a general plan was all which could be expected of the first Lord of the Treasury. The minutiae should be left to subordinate characters; nor was the first Lord of the Treasury to be accountable for the inaccuracy of the different clauses in a bill of this sort; for he declared that in his opinion the man who can draw a revenue bill

bill of this description, is unfit to be a first Lord of the Treasury ! The fact was that all these bills are drawn carelessly by certain persons who adhere religiously to certain phrases; which they apply, indiscriminately, to all cases; they are persons who can write, but cannot read; these bills are always in such a state as renders it necessary that they should be afterwards noticed by others.

But having thus disposed of the preliminary points, he felt it his duty to own that there were many essential parts of this bill to which he could not reconcile his mind, that of empowering an Exciseman to enter, at any time, from five in the morning, without a constable, appeared such as ought not to be countenanced; nor did he care for the argument that this was a clause which was sanctioned in its principle by the uniform practice of the Excise laws since the reign of Queen Anne; for had it been observed without interruption since the Conquest he should oppose it: no length of time, however considerable, could change oppression into justice, nor could any consideration on earth induce him to consent to a bill which might endanger the secrets of trade. It had been customary to introduce into Excise bills a clause respecting the entry of Excisemen without constables: and therefore the first Lord of the Treasury might fortify himself against an attack by referring to the authority of precedent; and with that view he was not to be blamed.

It had been always the custom, and strenuously adhered to by the Commons, that no alteration should be made by the Lords in a money bill; but if under this restriction the Lords had power to force the Commons to be a little more attentive in the framing those bills, which they insist shall not be altered, it would be very well. This bill, however, had been unfortunate; for it had been much patched and altered; but notwithstanding this circumstance if he had been the author of it he should be sorry so let it be printed, and go to the world without great alteration. He should not rely on those parts which he did not understand; and, in short, the bill contained many parts to which, were he averse to the bill's being referred to a Committee, he should now certainly and decidedly object.

Viscount *Stormont* declared that it was with the utmost satisfaction that he had listened to the language made use of by the noble and learned Lord on the Woolstack. He relied that the noble and learned Lord would still continue to bestow the same attention in the Committee on those clauses which contained the substantial mischief, of laying open the secrets of the trade.

Lord *Walsingham*, in answer to a part of Viscount Stormont's speech which referred to the late introduction of the

East-India budget, said, that if the statement of the India revenues had been made in April last, the House of Commons would have been deceived, and those revenues misstated through want of the necessary information. He should reserve, however, what he had to advance on this head until a discussion of the subject came before their Lordships.

Lord
Hawkes-
bury.

Lord *Hawkesbury* contended in favour of (what he called) the propriety and the necessity of the bill, in the framing of which he denied, however, his having taken any part. It would be allowed, on all hands, he said, that the revenue stood in need of an increase. It would also be admitted, he conceived, that this increase would be more proper by the regulation of old, than by the imposition of new taxes. It remained only to be argued, therefore, whether the Excise was applicable to the collection of revenue on this commodity. There were three stages in which it could be applied—to the raw material—the goods in the process of manufacture—and to the tobacco in a manufactured state. To the first and last of these stages, the Excise was clearly applicable; the objections of the manufacturers were, in general, confined to the second stage; but admitting some part of these objections, he should vote for the bill, as he was of opinion that they could be obviated in the Committee.

The question was then put “that the bill be committed upon the morrow; and it was carried without a division.

The House adjourned.

Thursday, 30th July.

The order of the day was read for the second reading of the bill, “To incorporate certain persons therein named, “and their successors, with proper powers for the purpose of “establishing a society, to be named the Westminster So- “ciety, for granting and purchasing annuities upon, and in- “suring of, lives and survivorship.”

As our readers may at any time have recourse to the substance of the bill, we purposely avoid swelling out our statements of parliamentary affairs by an enumeration of what it recites. With the same motives shall we pass over the pleadings of counsel; and briefly compress, from the contents of two speeches, the leading points of the debate on this subject.

Ld. Chan-
cellor.

The *Lord Chancellor* observed that he had not, amidst the heap and crowd of bills which pressed for discussion at that season of the session, had leisure enough to read the bill attentively; but as far as he could understand it from what he had seen and heard of it, it was defective in principle; because he had learnt from counsel, on both sides, that 300,000*l.* was the whole sum to be subscribed as a capital, and that no

more than 200,000l., three per cents, was the *bond fide* security to answer all the demands which might eventually, in case of dissolution or accident, be made upon the adventurers; and that certainly was not sufficient to secure the public in that effectual manner in which they ought to be secured. He was far from meaning to hint a doubt of the fair and honest intentions of the parties who were desirous of adventuring under the bill. He had seen their names, and he knew them to be most respectable men. He had also conversed on the subject with one of them, a very eminent and honourable man, (Mr. Thornton) of whose pure intentions there could be no doubt; but they were not to act as legislators upon men's intentions; and most especially in a case in which it would not be left to those who were at present willing to adventure to carry their intentions into execution.

The Lord Chancellor added several other observations, and in particular pointed out the difficulty of ascertaining the market price of an annuity, declaring that though an annuity might fairly be worth nine or eleven hundred pounds, the market price, when it was really to be sold, was no more than what craft imposed on distress. In illustration of this part of his argument, he mentioned Lord Kenyon's having, when Master of the Rolls, directed the Master to be asked what should be the value of an annuity? The Master had answered that it was intrinsically worth a given sum; but that given sum was, nevertheless, not to be gotten for it. The Lord Chancellor concluded with moving that the bill be read a second time on the 29th of September.

Lord *Kinnaird* contended that the bill was as fully and Lord
ably worded in all its clauses as any bill of the kind which *Kinnaird*,
had ever been introduced into Parliament. There did exist, at present, a society without any capital at all; whereas the case would obviously be far different with the present society, which the present bill would authorize, if it should be permitted to pass into a law. He dwelt on the public advantages of such societies, and, in particular, pointed out that they prevented young men, when their money was gone, having recourse to those pests of the community, money-lenders. There might be clauses in the bill which required some degree of correction, which could easily be applied in the Committee; as the bill, therefore, in his opinion, would prove a great benefit to the public in general; it would give him some concern were he to discover that it was thrown out.

The motion of the Lord Chancellor passed, and consequently the bill was lost.

The order of the day being read for the House to resolve itself into a Committee on the Tobacco Duties Bill, the

Lord Chancellor left the woolfack, and Lord Walsingham took the chair at the table.

Ld. Chan- cellor. The *Lord Chancellor* objected against the words “or for exportation,” in the clause relative to Spanish or Portuguese tobacco. He stated why he thought those words counteracted the obvious meaning of the clause, as their effect was to prohibit the importation of Spanish and Portuguese tobacco, as absolutely as if there was an enacting clause for that purpose. He therefore moved to leave the words out.

Earl of Hopetoun The Earl of *Hopetoun* declared that he did not see the clause in the same light as it was viewed in by the noble and learned Lord. He stated the reasons why he so differed, and having done so, said that he would take that opportunity of making a few observations on the bill in general, as he did not mean to debate it clause by clause. The principle of the bill, he observed, had been opposed at the bar, but from what had passed in the debate the preceding day, he was happy to find that their Lordships were tolerably well agreed in regard to the principle, and that it was admitted to be right. The Excise laws had been considered as inapplicable to tobacco and snuff, because it was contended that they would lay open the secrets of the trade of the manufacturer. He was, however, of a different opinion, as the manufacturer's stock was not to be taken during the process of the manufacture. The bill, in his opinion, was as great a proof of acquaintance with finance as ever had been exhibited, and the regulations which it contained were as wisely calculated as possible to prevent contraband trade. They did not cramp and oppress the manufacturer; they only subjected him to certain restrictions which were rendered necessary by the nature of his commerce.

Ld. Chan- cellor. The *Lord Chancellor*, maintaining his former argument, said that if the Members of the other House, instead of repeating a number of trite and hacknied arguments against the Excise laws, had given themselves the trouble to examine the clauses, and correct them properly, he was sure that no clause requiring alteration would have come into that House. He could not admit that their Lordships were not authorized to alter any bill which came before them; but, if it should be maintained that they were not so authorized, the other House (which it seemed was understood to be the only place in which even grammatical understanding, as well as public justice, existed) ought to take infinitely more pains with bills before they sent them up to their Lordships.

The Committee divided on the Lord Chancellor's motion.

Contents 7; Non-Contents 10.

When

When the House was resumed,

The *Lord Chancellor* declared that he did sincerely hope, that when they drew bills, those who drew them would read the clauses as well as write them; if they did, he was sure that such inaccuracies could not escape notice. A clause having been law before, was no reason why it should be again passed, if it were really liable to objection.

Lord
Chancel-
lor.

The Chairman was directed to report progress, and ask leave to sit again.

Friday, 31st July.

The order of the day being read for the farther consideration of the Tobacco-duty bill, and for the House to be put into a Committee upon the same, the Lord Chancellor left the same, and Lord Walsingham took the chair.

When the Committee came to section 48, page 45, relative to the prohibition from manufacturing tobacco and snuffs, out of the limits of the chief office of Excise in England, other than and except cities and the suburbs thereof, and market towns, &c. &c.

The *Lord Chancellor* contended that the clause was so exceedingly confusedly drawn, and so much perplexed, that it was scarcely possible to find out what had been the aim of the original author of the clause. He believed, from certain words in the clause, that he had been able to collect it; but, as he was not certain that he was founded in his conjecture, he wished those noble Lords who had formed an idea of its meaning, and thought that they understood it, would be so good as to communicate to him, what their notion of the clause was.

Ld. Chan-
cellor.

The Earl of *Hopetoun* understood the clause to have for its drift the prohibition of new manufactories being established and set up in distant and obscure places, or places near the coast, where illicit traders could only resort for the manifest purpose of carrying on their nefarious practices; but that whether it was correctly worded was more than he would undertake to answer for.

Earl of
Hopetoun

The Duke of *Leeds* admitted that there was a great ambiguity in the wording of the clause; but it probably was owing to the clause having been amended in the other House, without a due reference to all its several Members; and therefore he meant to move an amendment, to which he had reason to think that the other House would not object. His amendment would be to insert a few of the words already stated in one part of the clause towards the close of it.

Duke of
Leeds

The *Lord Chancellor* having expressed his fears that the amendment of the noble Duke would not answer the end proposed, read the clause, and pointed out its perplexity, which

Ld Chan-
cellor.

he

he contended arose from having one exception followed by another, and that which seemed to contradict the meaning of the former, and from a parenthesis being placed within a parenthesis, which he once remembered to have heard compared to a nest of apothecary's boxes. He took the clause in question to be a new clause, and not to stand upon the sanction of antiquity, for it had not been said that this clause made a part of the bill of 1785. He stated what were the alterations which he should suppose would reconcile the clause to sense, and give it a clear and distinct meaning, presuming the notion which he entertained of the aim of the writer to be correct.

Duke of
Richmond

The Duke of *Richmond* admitted and lamented that there were errors of various sorts in the bill; and observed, that as he should not perhaps be able to be present at the third reading of the bill, he would take that opportunity of giving his opinion of it. With regard to the principle, it was agreed on all hands, that tobacco was a very great luxury to those who liked it, and a fit subject for revenue. It was agreed also, that it was a proper object to extend the Excise laws to, as the revenue which might reasonably be expected from it, could not be secured in any other way so well. It was true, as the noble and learned Peer had observed, that the First Lord of the Treasury, the right honourable gentleman at present at the head of Government, was not to be blamed for the inaccuracies of the bill. He could not be expected to have drawn it, nor could he do more than give his general ideas of putting tobacco under the Excise laws to others, who were to work upon those ideas, and prepare the bill. That right honourable gentleman had proved himself to be perhaps the most able improver of the revenue, and the best Minister this country ever had; but he too well knew the principles of that right honourable gentleman, not to be assured that he was not more sincerely a friend to the revenue, than a zealous advocate for preserving the individual rights of the subject, which no man held more sacred; and, where the occasion absolutely required that the law should be enforced with some degree of rigour, he was persuaded that the present Minister wished to render such a necessary degree of rigour as palatable as possible, and to remove every circumstance which wore the appearance of either wanton or useless severity. In preparing such a bill as the present, other persons must necessarily be employed; but those who had drawn it, were not, as the noble and learned Lord had said, men who could write without being able to read; they were persons who had, he entertained no doubt; endeavoured to prepare such a bill as might be adapted to the occasion. It was true, that there were, after all their pains, many inaccuracies

cies in the bill ; but it was to be considered how voluminous a work the bill was, what a number of clauses it contained, and how difficult it must be, in a matter so new in its nature, to succeed correctly at first ; for, although the putting tobacco and snuff under the Excise laws, was not certainly the introduction of a new system, but merely the applying of an old system to a new object, it was in a great measure a matter of novelty and inexperience. There doubtless were various parts of the Excise laws which required alteration ; but surely, it was not proper for those who were to draw the bill to set about their correction. That ought to be rather a work of a general nature, and not a work to be begun in the conduct and draft of a bill founded on a particular extension of the Excise laws. It was the duty of the drawers of such a bill to take the Excise laws as they found them, and apply them as well as they could. Had they done more, the soap manufacturers, and the manufacturers of every other article under the Excise, would have had reason to complain of partiality. With regard to that House not being allowed to alter as they thought fit any bills brought up from the other, merely because a part of those bills imposed a tax on the subject, he considered it as a very great injustice to their Lordships to deny them the right of altering any regulations which affected their own interests individually with those of the Commons. In France, where the *Tiers Etats* obliged the Noblesse and Clergy to sit, and debate and vote with them, the voice of that Assembly might rationally be definite. But here, where the Peers were not represented in the House of Commons, and where two totally distinct Houses of Parliament existed, he had ever thought it the duty of their Lordships to correct any error or inaccuracy which might have escaped the attention or observation of the other House. There had, however, he observed, been a mode of proceeding found by the House of Commons, on various occasions, as a salvo for the preservation of what they claimed as their rights and privileges, and that was, when their Lordships sent down any tax bill, with alterations made by them, the House of Commons, if they thought the bill important to pass, rejected the bill as soon as it was sent down, and brought in another bill directly, in which were included their Lordships' amendments, and that new bill the Commons passed immediately. He approved the principle of the present bill ; but it had many inaccuracies, which he wished to see altered ; and there was a part of the bill to which he could by no means bring his mind to consent ; and that was the part which exposed the mysteries and secrets of the manufacturers to the discovery of the Excise officers. Many of those secrets had been stated at the bar to be exceedingly valuable.

valuable. Some had been declared to have cost manufacturers twenty or thirty thousand pounds, and others had been paid for very highly. These were serious facts, and as the manufacturers had deposed upon oath that they apprehended danger of their secret being discovered, it was their Lordships' duty, unless they disbelieved what the manufacturers had deposed on oath, to pay due attention to that part of the bill. He thought it therefore in the highest degree unjust to suffer the Excise officer to have it in his power, either by weighing the materials, or by inspection, or otherwise, to get at the secrets of the snuff manufacturers and become enabled to bid defiance to the office, to have the effrontery to tell the Board that they might take away his place, and then to set up a snuff manufactory of his own. The snuff manufacturers had declared that they came to the bar, to beg that the House would not take away that security of their property which they had a right to enjoy; and a strong claim to such protection the manufacturers were undoubtedly entitled to insist on; since though it might appear rather a whimsical sort of property which depended solely on the having discovered, by a mixture of tobacco, how to afford pleasure by tickling men's noses, he knew not of any species of property which ought to be considered as more sacred by the Legislature, than that property which originated in a man's own invention, and the exercise of his ingenuity and skill. He thought, therefore, the suffering the Exciseman to have so much the advantage of the manufacturer, that he might possibly discover his mysteries, was a grievance, and an act of injustice not to be borne; and if that part of the bill could not be altered, he certainly should hold himself bound to give his negative to the bill. At the same time, he meant not to take the sense of the House by a division, or to give their Lordships any trouble. He knew that the bill might be amended by a new bill the next session, and he believed that there would be no objection to put a stop to all the inconveniences which it might occasion by such a bill of explanation and amendment; but the mischief to which he alluded would then be past a remedy, and therefore he had thought it right to disencumber his mind of what he felt upon the subject.

Ld. Chancellor.

The *Lord Chancellor* observed, that what he had said the other day relative to the bill's having been in its progress to Parliament submitted to persons who could write, without being able to read, had been misunderstood at the time, and not applied as he meant it, by the noble Duke in what he had just said thereupon. He had by no means designed, at the time, to reflect on the respective Boards who superintended the two most important branches of the revenue; he well knew, that no one idea of those Boards upon the subject had

had been suffered to make a material ingredient in the present bill. Neither had he intended to apply what he had said to the Solicitors of either of those Boards. He was apprized, that when the outlines of the plans were laid before the Solicitors, their duty had been to search the Excise laws in being, and to select such clauses as seemed applicable to the subject, and no doubt they had properly discharged this duty. The persons to whom he had intended to allude, were those who, when the clauses were submitted to them for perusal or consideration, could not or did not read them with that degree of attention, which must necessarily have satisfied in n of ordinary understandings, that many of the clauses were inapplicable, because unnecessary, and that several of them were not only replete with confusion, but inexplicable and contradictory. It was the negligence of these middle men that he complained of, who, by such means, subjected the House to dilemma and difficulty, and caused bills to pass in such an imperfect form, as actually tended to disgrace the Legislature. That the extending the Excise laws to tobacco, with a view to improve the revenue, was a principle founded in the strictest justice and the highest wisdom, he had before declared to be his sincere opinion. As long as it should be the policy of the country to lay so high a duty on an article which did not at prime cost fetch more than three pence per pound, it certainly was absolutely necessary to follow up that article in such a mode of taxation, as to keep it in view, and secure the revenue which was to arise from it, in every stage, from the moment of importation to that of its export or consumption; but it did not follow that in every case to which it was right to apply the Excise laws, it was indispensably necessary to extend all their harshness and severity to that particular case. On the other hand, it was certainly justifiable to follow the article with so much of rigour and closeness, as to exclude the intrusion of the smuggler and of his practices, otherwise the end which justified, and could alone justify, the application of the Excise laws, was wholly defeated. With regard to the inserting in a new Excise law every clause which appeared to have been suffered to pass before, it was an absurd idea, and led to a length of inconvenience of which their Lordships could scarcely be aware. As a proof, among many others, a noble Earl [of Hopetoun] had shewn him an account of what were usual clauses; and among others, there was one which obliged the manufacturer and his men to assist the officers of Excise in taking stock. This he explained to have been taken from a clause of a very different nature: the clause which obliged the captain of a ship and his crew, after the Custom house officer had done his duty, to assist him in battening down the tobacco on

board. The noble Duke who spoke last had stated that he knew that the House of Commons would graciously condescend to suffer an alteration to be made in a particular clause; he was glad to hear that such an alteration would be admitted. Indeed he could not avoid wondering what should be the difficulty of admitting it. Was it wounding the Minister's pride, or would it wound any man's pride, that he was not a tobacco-nist, and did not know the secrets of the tobacco trade? Surely not.

The Minister had proceeded unavoidably on the ideas of those about him, and when he came to examine the manufacturers he found that the conceptions of those about him were impracticable, and that they would not apply to the subject. It was no disgrace that then the scheme of the bill was altered. It was only to be lamented that the whole plan had not been changed, instead of introducing a single clause just to except the immediate process of the manufacturers from the survey. With regard to the idea of suspecting that the manufacturers had given such evidence only as suited their own interest (as the newspapers had stated) who dreamt of any such thing? What interest had they but a common interest with the revenue itself in preventing an unfair trade? Was that a dishonourable interest? Was there one of their Lordships who would not shrink with horror from the imputation that the manufacturers were unfair traders, and that they had been swearing to promote smuggling, which, in that contemplation, would undoubtedly be their interest? What had Mr. Postlethwaite told them? That he had few, or scarcely any, secrets to discover, but that he knew other manufacturers would be materially injured who had most valuable secrets. Could a doubt exist of Mr. Postlethwaite's evidence being pure and unimpeachable? And would they for a moment believe that the whole of the evidence, including the testimony of Mr. Postlethwaite, was given with a view to promote the witnesses' own undue interest? He repeated that they could have no interest whatever but a common interest with the public.

In conclusion, the Lord Chancellor observed that he rose not merely to make the general observations which he had stated, but to notice the alterations necessary in the clause, and if he had known (as the noble Duke had now informed them) that the House of Commons were willing to let in the principle of suffering an amendment, he should have moved for more time for the amendments which he had before offered to be weighed and considered. In his mind the clause which they had agitated ought to be new cast; and, indeed, the whole bill might be cast into six or eight necessary clauses, leaving out the clauses taken from old Excise laws, which were wholly inapplicable and useless in the present case. He

wished not, however, to take up their Lordships' time with stating his observations on the different clauses in support of his objections, but was willing to let the noble Duke's amendment pass, as it could be further considered on the report. He most earnestly wished that if the House of Commons did stand rigidly upon their claim of having the sole and exclusive privilege of granting, levying, and applying the public money, they would at least hold it to be a principle that their Lordships were entitled to amend and alter any clauses of regulation merely, in all bills whatever, and to such points only had his amendment referred.

The Chairman was directed to report that the Committee had gone through the bill with one amendment only.

The House adjourned.

Wednesday, 5th August.

The order of the day being read for the House to resolve itself into a Committee on the bill "to enable the East-India Company to raise money by farther increasing their capital stock,"

Lord *Walsingham* rose, and having requested the indulgence of their Lordships whilst he entered into an explanation of the state of the Company's affairs in the East Indies as it appeared from the accounts contained in the several papers upon the table, observed that it was not the fault of those who voluntarily took upon themselves to open to the House of Commons the state of the Company's affairs, that they had not done it earlier in the course of the session, because they were not in possession of such papers from India as could alone enable them to state the Company's affairs with accuracy and correctness till very lately. Even since the situation of their affairs had been detailed in the other House, fresh intelligence had been received by the Kent and Man ship, which proved that there was an additional sum of 300,000*l.* to be taken to the credit side of the Company's account. Lord *Walsingham* flattered himself that the House would please to accept of his apology for not having come forward to state the situation of the Company's affairs to their Lordships, till it had been intimated that such a proceeding would be proper, when he begged leave to remind them that it had been altogether unusual to enter into any detail upon such subjects in their House; but he declared that he was exceedingly happy to have it in his power to lay before their Lordships such a statement of the Company's situation in the East Indies as would (he flattered himself) satisfy their Lordships of the propriety of the present bill, and of the ample security arising to the East-India stock proprietors from the promising prospect

pect of their affairs, even when considered in the most unfavourable point of view.

Lord Walsingham now proceeded to detail minutely and circumstantially the amount of the revenue and charges of the government of the provinces of Bengal, Bahar, and Orissa, of the presidency of Madras, of the settlement of Bombay, of Bencoolen, of the Prince of Wales's Island, and of all our other settlements in India, pointing out in which the revenue exceeded the charges, and what was the net surplus upon the whole. He stated also the amount of the Bengal debt, and the sources whence funds might reasonably be expected to arise, to be appropriated to its diminution and payment. He reasoned upon the supposition that the Company's charter was to expire without renewal, and that they were to wind up their affairs in 1794. After an enumeration of the particulars which he deemed requisite to exhibit the actual and present state of the Company's affairs in the East Indies, he laid it down as a position warranted by every ground of reasonable expectation and probability that in 1794 the Company would be able to discharge all their debts, and to pay back their capital to the proprietors; he imagined, therefore, that there could be no objection to the present bill. Indeed, as the proprietors desired no more than to subscribe their own money, and thereby add to their capital, it was a requisition which he conceived he might, in some sort, be warranted in supposing that Parliament ought not to regard with any scrupulous or jealous eye; but he was not willing to rest his argument on that ground; the Legislature had lately taken upon itself to watch over, and controul the affairs of the Company, from a conviction that the interests of the public were blended with the interests of the Company; it was therefore undoubtedly the duty of Parliament to be satisfied, when the Company came forward to borrow money, that there was a case made out by them which shewed that there was no likelihood of the public's suffering eventually by the measure. Feeling in that manner, he had endeavoured to give such a statement of the Company's affairs in India as would bear the strictest examination, and at the same time afford the House that degree of satisfaction which they had a right to require. Lord Walsingham concluded with moving that the bill be now committed.

Ld. Chancellor.

The *Lord Chancellor* introduced his observations with an encomium upon Lord Walsingham for the clear, distinct, and enlightened manner in which he had detailed the state of the Company's affairs in India. He conceived also that the thanks of the House were due to the noble Lord on account of the successful pains which he had taken, because had not the sort of explanation which their Lordships had just heard been

been given, they would have been called upon to vote in favour of a bill of considerable importance without the smallest degree of information to guide their judgements concerning the subject.

The Lord Chancellor lamented that measures of such a magnitude should be introduced at so late a period of the year, being persuaded that it was not more a matter of inconvenience to individual Members of Parliament when they were so introduced than to the Ministers themselves; who, he was satisfied, could not so well understand their bearings, and attend to them in the manner, and with the degree of caution, which their importance required. As far as he knew of the project then under consideration, viewing it as a problematical project merely, and a matter of speculation only, (for so it had been expressly opened by the noble Lord) he was inclined to think well of it; but there were certain articles and parts of the detail of the accounts stated in the papers on the table, respecting which he entertained doubts and suspicions. He ought not, however, to mention those doubts and suspicions unless he, at the same time, said that all things considered, they did not weigh in his mind sufficiently to induce him to object against the bill; because, supposing them to be founded, they did not amount to consequence enough to counterbalance what was apparently the fair and reasonable grounds of the project. In consequence of what he could judge, as well from the little opportunity of enquiry which he had been able to employ, as from the statement of the noble Lord to which he had listened with the most anxious attention, and an earnest desire to derive all the information possible, and also from having been that morning favoured with the heads of the explanation given to the House by the noble Lord, he was ready to state it as a probable opinion in his mind (and perhaps what would farther come out might substantiate this opinion that the state of the East-India Company in India, since the Parliament assumed the superintendency of their affairs had been detailed by those who undertook the task, with great fairness, great distinctness, and great truth. But when he said this he spoke with proper deference to persons better informed than he could pretend to be upon the subject.

He had been much limited in his enquiry by a pressure of time. The papers on the table had been presented but the preceding day, and were not yet printed; though he hoped that the printing of them would be moved for; and that morning only had he been favoured with the information to which he had alluded, and, as he had been engaged in a Court from ten in the forenoon almost to that hour, he could not be expected to have been able to make himself thorough-

ly master of the subject. The terms on which the project had been brought forward certainly were explicit and unequivocal; that House, therefore, was justifiable in suffering it to be put in practice as a problematical measure, after having called for all the accounts which could throw a light on the subject, and after having heard the noble Lord's explanation of those accounts. It was not taking upon themselves any responsibility for the event, but it was holding out to the subscribers, whoever they might be, this sort of language, "We have called for the accounts of the Company, and before we ventured to entertain the measure, or lent it any countenance, we have done all in our power to ascertain whether there was danger in the speculation. The grounds upon which we proceeded are before you; you must understand every article of those accounts much better than we do; judge for yourselves and act as you think wise and proper." With regard to the value put upon the stock, the Lord Chancellor trusted, that this was done upon fair principles, and not so as to enable the subscribers to become purchasers at a small price, in order that they might sell at a greater, and thus eventually a loan might be raised at a considerable expence on the public.

He next touched on the bill with respect to its particular clauses, against one of which he declared his most serious objection, and this was the clause authorising guardians to vest the property of infants in the additional stock, which the bill empowered the East-India Company to raise by an increase of their capital. A clause of a similar nature had escaped in the tontine bill; but it was what Parliament should always discountenance, it being an invariable maxim of the Courts of Law that it should in no case be allowed; not even in Bank stock, which would at least be allowed to be as good security as East-India stock. By way of illustration he put the case of an individual, who was an adult, acting for himself, and compared it with that of a guardian acting for an infant ward, and with their different consequences.

"Suppose (observed the Lord Chancellor) fortune would have had it so, that I perfectly understood the subject, and had money to lay out: that I wished to buy an annuity, or vest my money in a tontine. I have the money in my hand. I watch the rise and fall of the market. If it falls I can sell out, and am, from time to time, not only enabled to exercise my own judgement of the probable profit of the adventure, but to act on that judgement as I think proper, and to make my escape from the risk in time, if I deem it prudent so to do." Far otherwise was the case with the property of an infant so vested by the guardian. The property once vested must there remain. The

guardian, for wise reasons, could not alter it, let the appearance of things be ever so unfavourable; and the ward, from his immaturity of years, could not act for himself, till he was past seventeen. His fortune, therefore, might be lost, exclusive of the other mischiefs arising from so unjust a practice as sinking his whole property, perhaps, in a life annuity. It might be said, that in the present case, several of these minors and wards were already East-India Stock Proprietors, and therefore, it would be unjust to prevent them from gaining an advantage, which the chance of the times had thrown in their way; yet even upon this ground, a matter so dangerous ought not to be countenanced.

But the Courts below did not ground their rule of not suffering guardians to vest the property of infants, their wards, on any considerations referable to particular views of particular cases. Their conduct in this essential point was grounded wholly on principles of general policy. They held it to be iniquitous to preclude the owner of property from using it as he should think proper, when he should arrive to that maturity at which the law deemed him competent to act for himself; nor would they suffer the effects of his future industry to be cramped, and the means of building a family, on the profits which might arise from employing his money in trade, to be taken from him. The Lord Chancellor urged the manifest disadvantage to the community which must unavoidably result from authorizing those who had the management of the fortunes of infants to sink that property in a life annuity. To wallow in lazy indolence would then be the object of the rising generation, at least of those of that description whose fathers unfortunately happened to die in their minority. Marriage would be discouraged, trade limited, the ardor of competition chilled and checked, population diminished, and the nation weakened in its best sources of strength, prosperity, and support. He hoped that those concerned in the bill would not object to the omission of this clause. The right honourable gentleman who had introduced the bill in the House of Commons, and whom he might be allowed to allude to, when he did it *honoris causa*, he was persuaded had not thought it material that such a clause should make a part of the plan of his project, or that it strengthened the argument by its advancement. A very contrary inference, in his mind, might be drawn from it, the natural conclusion being, that if the clause stood, the project could not be expected to succeed, unless extraordinary means were resorted to, for the purpose of ensuring its success.

Lord Kinnaird expressed his regret, that he had not been present when the noble Lord near him gave his explanation of the papers on the table, declaring that he knew not a
Lord Kinnaird.
Member

Member of either that or the other House of Parliament more capable of affording their Lordships clear, perfect, and distinct information on subjects the most intricate and the most complicated. After this opening, Lord Kinnaird added, that he had, a few days ago, stated to the House his desire to call their attention to the subject of the bill. It was, he declared, very important; and the bill had, nevertheless, been read a second time, without so much as a single paper having been laid on the table, to give their Lordships the smallest information respecting it. He reprobated the late period of the session at which the bill had been introduced; but the present was, he was ready to admit, only one of several important measures, the agitation of which seemed purposely to have been postponed till a time of year, when the heat of the weather, and other reasons, co-operated to cause only a very thin attendance. He had been confined by illness for some days, or he should have offered a motion for referring the state of the East-India Company's affairs to the consideration of a Committee, previous to their Lordships' proceeding to discuss the present bill. After some preliminary animadversion on the conduct of Government in respect to the peculiar circumstances of the subject under consideration; and after a declaration, that he was naturally prone to give credit to Ministers, wherever he could, for the wisdom and salutariness of the measures which they recommended to Parliament, from a persuasion that it was not more the interest of the Public than their own, that they should propose no measures but such as were likely to prove salutary and beneficial, Lord Kinnaird proceeded to express his dissatisfaction against the mode of statement of the situation of the East-India Company's affairs in India, adopted in the papers which had, he understood, been moved for in his absence through illness, and which were then upon the table. He laid great stress on the particular of the Dewannee, which had been taken in the Company's statement of their affairs as their own, and their future revenues had been calculated accordingly; whereas he contended that when their charter expired, the Dewannee would no longer be their property, but would become that of the Public. He affirmed also that there was a fallacy in the accounts, and consequently in the deduction drawn from them, owing to the price at which the current rupee had been taken. He stated minutely the reasons why he differed in opinion on this point from the right honourable gentleman who opened of the Company's affairs in the House of Commons, and took occasion, more than once, to urge the necessity of their Lordships' attending, in discharge of their duty, to the detail of all matters of revenue, much more hereafter than they had hitherto
done

done, whether the subject regarded Great Britain in general, or the East Indies in particular. He reprobated the idea of their having no right to interfere with the discussion of such topics; and he said that if the House of Commons pushed what was termed by them their privileges in that particular, to such an extreme, as to insist upon it that their Lordships must not make a single alteration in a money bill, without incurring the charge of designedly interrupting and impeding the business of Government, their Lordships had better address His Majesty to dismiss them as an useless body, and beg him to incorporate them with the House of Commons. Lord Kinnaird took notice of the Chancellor's declaration that the language of Parliament, through the medium of the bill, and on the present occasion, was, "We shew you the grounds we proceeded on; judge for yourselves, and act accordingly." As the noble and learned Lord had explained his meaning, he said that he perfectly understood him; but he greatly feared that the Public would not understand him in the same manner. At any rate, he could not conceive, that it was the sort of style which the Public would look for at their hands. The Legislature having with great propriety, in his opinion, assumed the control and superintendence of the East-India Company's affairs, it was their duty to watch over all their proceedings, and the Public would naturally expect, when they consented to pass such a bill as the present, that their Lordships were convinced that the grounds of it were clear and indubitable, and that they were willing to vouch for their authenticity. He declared himself dissatisfied with the accounts on the table, nor could he reconcile the premises of the bill with its object. He had attended the discussion in the other House of Parliament, and he had read the bill again and again, and examined it in his closet, but in vain. The result of all his attention was, that the Company were not in so good a situation as they pretended, and he pledged himself, early in the course of the ensuing session, to move for a Committee to be appointed to examine and enquire into the state of the Company's debts in India, and the debt transferred home, and argued that all the distresses of the Company had arisen from the circumstance of their having departed from their original character; that of a purely trading Company, and changed it for a Company holding sovereignty over extensive territories. Had they not blended the two characters in which they now acted, he had no doubt but they would, by this time, have been a wealthy Company. As it was, he asserted, that they had been in a state of bankruptcy for some years, and the present application was, in truth, nothing more nor less than an application to increase their debt, without accelerating the means of its diminution.

In conclusion, Lord Kinnaird observed, that as he was persuaded that no argument which he could urge, would prevent the present bill from being adopted, all which remained for him was to declare, that no consideration but a sense of duty, could have impelled him to trouble their Lordships at all on the present occasion.

Lord
Walsingham.

Lord *Walsingham* answered the argument of Lord Kinnaird in regard to the Dewannee, by stating, that as the debt would follow the revenues of Bengal, and the other possessions in India, it mattered not to whom the Dewannee would belong, when the Company's charter expired; an arrangement would then be made, adapted to the circumstances of the situation of the Company; and as the debt must be admitted, on all hands, to be a debt fairly incurred, and which ought at any rate to be discharged, the revenues of our Indian provinces, and every part of our possessions in Asia, must be considered as responsible to all legal demands. With regard to the price of the current rupee, he contended, that no argument could be fairly drawn from that consideration, the account standing the same whichever way the rupees were valued, as credit was given for as much as was taken; in proof of this, he stated what the rupee would melt down for. He explained this particular much at large, and replied to those parts of Lord Kinnaird's speech which reflected on Ministers for not having brought forward the subject earlier, and because no paper had been laid before the House, till after the bill had been read a second time, declaring that the bill had been ten days upon the table, before it had been moved to read it a second time, and in all that time, no wish had been expressed for farther information on the subject than the bill afforded. When the noble Lord had spoken to him respecting it, he had endeavoured to give him all the information in his power, and upon its having been hinted from another respectable quarter, that the papers should be laid upon the table, he had moved for them. Lord Walsingham made his acknowledgements to the Lord Chancellor for the manner in which he had spoken of his endeavours to explain the accounts on the table, and he assured Lord Kinnaird, that he was ready to meet him on the subject of the Company's debts, both in India and at home, whenever he thought proper to bring it under discussion.

Lord
Kinnaird.

Lord *Kinnaird* hoped that the House would hereafter shew themselves more ready to listen to considerations of revenue, and to act as a house of business in that respect, than had hitherto been their practice. He declared that he would, early in the next session, provided that he should have a seat in that House, call their attention to the state of the East-India Company's affairs, by moving for a Committee to enquire

quire into the Company's real situation, promising that he would give to such a Committee all the attendance on his part which could be expected, and that he had no doubt but that he should be able to prove that the Company were as ill able to pay their debts now, as they had been in the year 1783.

The House having resolved itself into a Committee on the bill, Lord Walsingham moved to leave out the clause empowering guardians to vest the property of infants, their wards, in the additional East-India stock, to be subscribed for by way of increase of the Company's capital.

This proposition was agreed to, and the bill passed the Committee, and was ordered to be reported.

The House adjourned.

Thursday, 6th August.

The order of the day being moved for the third reading of the Tobacco Excise bill,

The Duke of *Leeds* observed, that as any alteration whatever in a money bill in that House, might be productive of protracting the session to a very inconvenient length, by occasioning a debate in another place on a subject of a delicate nature, he therefore moved, "That the amendments made in the Committee might be withdrawn." The motion was agreed to without opposition, and the bill was read a third time, and passed.

The House adjourned.

Tuesday, 11th August.

His Majesty in Council was pleased to order, that on this day the Parliament be prorogued to Thursday, the 29th day of October next.

In consequence, the Lord Chancellor made the following speech to both Houses of Parliament :

" My Lords and Gentlemen,

" WE have it in command from His Majesty to express to you the satisfaction with which His Majesty has observed the continued proofs which you have given, during the present session, of your uniform attention to the public business, and of your zealous concern for the honour and interests of his Crown, and the welfare and prosperity of his People.

" Gentlemen of the House of Commons,

" His Majesty has particularly directed us to return you his thanks for the readiness with which you have granted the

“ the necessary supplies for the several branches of the public
“ service.

“ My Lords and Gentlemen,

“ Although the good offices of His Majesty and his allies
“ have not hitherto been effectual for restoring the general
“ tranquillity of Europe, he has the satisfaction of seeing
“ that the further extension of hostilities has been prevented,
“ and that the situation of affairs continues to promise to this
“ country the uninterrupted enjoyment of the blessings of
“ peace.”

Then the Lord Chancellor, by His Majesty's command,
said,

“ My Lords and Gentlemen,

“ It is His Majesty's Royal will and pleasure, that this
“ Parliament be prorogued to Thursday the 29th day of
“ October next, to be then here holden; and this Parlia-
“ ment is accordingly prorogued to Thursday, the 29th
“ day of October next.”

END OF THE TWENTY-SIXTH VOLUME.

